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H – 1252

International Court of Justice

H-125a

FINAL PLEADING

before

THE INTERNATIONAL MILITARY TRIBUNAL AT NUERNBERG

in the trial

against

HERMANN GOERING AND OTHERS

by

Dr. OTTO BARON von LUEDINGHAUSEN,

DEFENSE COUNSEL

of the defendant CONSTANTIN BARON von NEURATH.

NUERNBERG, July 1946.

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NOTES to FINAL PLEADING by DR.OTTO BARON VON LUEDINGHAUSEN.

Pages 9 to 44 will not be read in session, in view of the short amount of time made available.

ERRATA:

Page 63, line 4 read "acknowledged" between "Germany" and "equality".

Page 65, add after the last line: "about this so-called German revolution which made it appear as a European danger not only to France and her allies but as well to Great Britain."

Page 67, third line from bottom, leave out "against".

Page 69, line 15, add "nothing less than" before "threat".

Page 72, add after the last line: "even more than the former plans, this Simon-plan is far from giving justice to Germany, s well founded demand for equality of rights and disarmament".

Page 73 leave out the first three words "or the armament".

Page 77, line 1, read "re-establishment" instead of "withdrawal".

Page 82, line 20, read "French-Russian alliance".

Page 97, line 3, add "adeployment zone for" between "Zone" and "the Fren

Page 113, line 4, read "1919" instead of "1921".

Page 118, line 24, read "1940" instead of "1939".

Page 133, add after the last line: "This, however, is directly contradictory to Frank, s earlier statement".

Page 135, line 7 read "1939" instead of "1933".

Page 138, line 24, read "riots" instead of "unrest".

Page 139, line 12 read "objections" instead of "misgivings".

Page 15), lin e 13, read "No.150" instead of "No.1".

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Your Lordship, your Honours,

"Never before has war impressed me as quite so abominable":
This is what Napoleon Bonaparte wrote to the Directorate in the year 1799, after the victorious capture of Jaffa - where he had ordered the shooting of 2,000 captured Turks. This statement by one of the men most outstanding in the conduct of war, stood for unqualified condemnation, not merely of war as such, but also of all means for the conduct of war considered as unavoidable and permitted at that time. The perception which this word reflects and its ethical condemnation of war were not uttered in vain. As early as the middle of the last century, morally and ethically high-minded personalities made efforts tending to ameliorate and eliminate, some at least, of the horrors of war. The founding of the Red Cross in Geneva was the first result of such endeavors, casting its luminous light afar, the first fruits of Napoleon's word. But I dare to say, this word is so to speak also the actual hour which gave birth to this present trial. It, too, was caused and dictated by the aspiration, not only to circumscribe war as regards the manner in which it is waged, the independence of selection of means and actions, but beyond that to find means and ways to eliminate war as a political measure, altogether from the relations of the peoples. It strives for the same high goal, to create an International Law to govern all peoples of all States, as they live alongside and together, and to which all States and peoples

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who wish to rank as civilised States will submit, and by which they will be forced to abide in the same manner as the individual national of a State must abide by the law his State has established for the common existence of its people. And if you, your Honours, and if the entire world will learn understand how infinitely painful it is for us Germans that it is just our State and our people who have furnished cause for the creation of such International Law by a war in which we were engaged, yet my client, the defendant von NUERATH and I could not help but welcome the attempt inherent in this trial, because the highest effort during the entire official activity of my client, from his first day in office to the last, was the endeavor to avoid war and to serve peace. And I do not hesitate to emphasize this, although it is because of an entirely new principle of law that my client is facing this Court. Because for the first time in history the idea is to be carried into practice according to which this or those statesmen of a nation are to be held personally responsible and be punsihed for the wars of aggression caused by them, and the inhumane and cruel means therein applied. This thought, which this High Court is about to carry into practice as a principle of law, is absolutely novel in the history of International Law. But if the present Court Trial and the Charter on which it is based is to be more than a single procedure, worked out and intended for this one case,- in other words for this war just ended; - if it arose not merely from the thought of vengeance because of harm and damage done to the victorious nations and is intended to atone for them, but if it really was brought forth by the will and the decision to eliminate war in itself for good, through the stipulation of the personal responsibility of the statesmen of the nations,

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then this constitutes a deed which the sincere conviction of every peace loving person will welcome. It furthermore contains two elements apparently suited to revolutionize all that was heretofore known in this world for handling and directing the foreign policy of States, and to raise it onto a new and undoubtedly higher ethical basis.

It has been an anciently established postulate for the policy of a statesman and his rating before history - which has been so since the speech made famous by Pericles and since Plato's State doctrines, making it the foremost, I would almost say the only postulate- to exert every endeavor to obtain for his people, for the State under his stewardship, the highest possible level of existence, of maintenance, and improvement of its standard of living, of its position among nations, irrespective of the means it might require. Every nation on earth includes in its history statesmen who, seen in this light, are being extolled and honored as shining examples, and who went down in history as such merely because they were successful, and without testing whether the means used by them to obtain success were in harmony or not with the ethical principles, not only of the Christian but of all high-ranking moral philosophies. To this maxim the Charter of this High Tribunal opposes a new maxim in that it stipulates that every war of aggression places culpability on the person responsible for the war, without regard for the question of success or failure in the war. However, this means nothing else but subjection to the moral law - which rejects application of force of any kind as a means of policy - of every state stewardship, even the most successful and the most victorious.

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If, however, this is to have practical meaning and success, there follow the subjection of every State stewardship to the test and judgment by all other civilised States in the world. On that principle the Charter established by this High Tribunal would call for the testing and possibl judgment of all innerpolitical measures which, in retrospect, might be seen as actions of preparation for this war. To discuss consequences resulting from this would lead too far; this must rather be left to discussion by scholars of State Law and to further developments, and I wish therefore to confine myself to pointing to one consequence only, th consequence that the statesmen involved in the war of aggression - throu planning, preparation and carrying through of a war of aggression - will be subject to such judgment of a future International World Court a with it liable to punishment, even in the event of that war of aggressio ending in victory. Perhaps this is the main point, reflecting the highest ethics of the stipulations and principles established in the Charter.

If I particularly stress these factors this is not done because my client or I entertain doubts that the framers of this Charter failed to be equally and fully aware of these consequences. But the fact that this new tenet of International Law is to find application for the first time in the World Forum and by the Allied Governments not through a powe dictate but through a Court-procedure equipped with all reservations for objectiveness and impartiality, wherein my client and I see proof of the fa that this Court-procedure was born and is being motivated by the ideal aspiration of mankind to free it from the scourge of war.

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And even if my client and I myself in no way fail to recognize the important issue in this trial as based on the Charter, namely that - in sharp contrast to the principles of law of all democratic States, of every democratic-liberal principle of law - it proposes to pass judgment on and inflict punishment for many actions for which at the time they were committed there undeniably did not exist a law or a precedence governing them, my client and I nevertheless are confident, because of our conviction that this High Tribunal will not base the establishment of its verdict on individual and incoherently united actions, on single bare facts, but that it will scrutinize and examine with particular care the motives and aspirations which moved each individual defendant. If then your Your Honours, will establish as I am convinced you will, that from the first to the last day of his official activity - as Reich Foreign Minister or as Reich Protector, - my client was moved by one desire only, all his deeds and actions governed by one aspiration, to prevent a war and its cruelties, to maintain peace, and that the very reason for his remaining in office was to prevent through his influence war and its inhumanity, and that he did not withdraw from his post until he was forced to conclude that all his efforts were vain, and that the will and determination of the highest ruler of the State, HITLER, to war, were more powerful than he, - in that case the fact of his membership and continuance of office in the Reich Government until that moment cannot possibly be construed as approval,

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much less as assistance and co-partnership in the planning, prepar ing, or waging of war, thereby placing upon him joint-responsibility for the war, or even for cruelties and atrocities committed during its course. By reason of the very fact of the application, in International Law and in Democratic States - and application made for the first time in this trial - of the legal doctrine that an action already committed can subsequently be made punishable by law, results in the imperative demand that the question of the subjective guilt of the defendant - in other words the consciousness, not only of the amorality and the presumed criminality of the deed in question - but also the intent to commit the deed or at least to offer active assistance despite such awareness, - be examined and answered before a verdict is arrived at. Disregard of this postulate would not only rob this trial of its high ethical importance, but would open wide the door and gate to arbitrariness, making such Court procedure appear before the world, not as a real Court within its truest and profoundest meaning, but making it a power-dictate wearing the robe of justice.

An extraordinary responsibility is thus placed upon your shoulders, so great as has never been before placed on the shoulders of any Court in the world. Carrying out the will and the vision of the father of this trial, President Roosevelt who too early passed from this world, it is your task, Your Honours, to lay the first corner stone for the temple of peace of the nations of the earth. You are to build the foundation for the attainment of the ideal he envisaged, perpetual peace, On your judgment coming generations are

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to continue to build. You are to give the directives, according to which those who come after us must continue to aspire to this high goal. It is not a precedent you are to establish, not an individual case you are to judge and to punish the guilty men according to your judgment; but you are to lay down the fundamental principles of a new International Law which is to govern the world in the future. This alone, this task assigned to you, establishes the meaning of this Tribunal, its justification and its high ethical inspiration, to which we yield. At the same time, however, this also includes the recogniction that the verdict to be established by you in regard to these defendants is not a verdict in the ordinary meaning of the word; it is not merely a judge's sentence pronounced on behalf of individual defendants and their deeds, but it is the new fundamental law itself, the source from which all future Courts are to draw in accordance with which your verdict is to be established.

It is therefore your task, Your Honours, to interpret the provisions of the Charter according to their principle, and to establish in practice and for all time to come, the rules and principles of the Charter. The responsibility which you thereby assume before history gives you two questions to answer, which answer is all the more complicated because the legal concept of conspiracy incorporated in the Charter and forming the legal foundation of the indictment, is a concept foreign not only to the majority of peoples, especially the European peoples, but also because in one or the other country it owes its existence to its previous application to the combat against common crimes and offenses against the legal provisions governing domestic affairs and those alone. The postulate necessarily follows that the modus of interpretation and application of this legal concept

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in International Law can and must never be the same as employed in the fight against common bands of gangsters, guilty of a breach of the social order of a particular country and of the laws promulgated for its protection. The latter ordinarily involves individuals of a more or less amoral disposition, who act for reasons of selfishness, lust for money or other unethical instincts, placing themselves outside the existing social order. In the last analysis, however, and particularly when wars of aggression are involved, International Law does not deal with individual statesmen but much rather with whole peoples. The age of absolutism - where the will of the ruler determined alone the destiny and acts of a people - has definitely passed. In this age it may be said that no avowed dictator, no omnipotent despot who can rule without or against the will, or at least the tacit approval of the nation, at least its majority, is conceivable. And so - it is necessary to make this known once to the world - unvisible behind the defendants, there sits also in the prisoners' dock our poor, beaten and tortured German people, because it placed upon a pedestal and selected as leader a man who led it to its doom. From this follows of necessity the inescapable demand that, contrary to the concept of conspiracy applied in regard to ordinary criminals, application of the concept of conspiracy applied in International Law must firstly proceed by investigating and examining how it came about - how it could come about - that a people ranking high intellectually, a people who gave so much to the world in terms of gifts of culture and of mind as the German people did - that it could hail a man such as HITLER, following him into the bloodiest of all

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wars, giving him its last and best. Not until you, your Honours, have incorporated this in the field of your considerations and examined this question, will you be able to establish a just verdict in regard to the individual defendants themselves - with due consideration for their dissimilarity -, a judgment which will stand the test of history. Because of such reasoning and not merely by reason of my right as defense counsel of the defendant Freiherr von Neurath, but also because of my duty as a German, I deemed it necessary to explain in mere outline the fact of Nazi domination which the world outside of Germany cannot grasp, to make you visualize how it happened as a result of the effects of the Versailles Treaty and, finally, because of the manner of its application, how it was bound to happen, true to historical necessity.

In view of the short amount of time made available to me through decision of the Tribunal, I must refrain from reading that part of my final pleading, and express my definite hope that the Tribunal will go to the trouble of subsequently reading it itself and that it will consider its arguments when establishing its verdict. I now continue with page 44 of my final pleading, and should first of all like to give you a brief description of the personality and of the thoughts and feelings of that man who is today before you as prisoner.

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After the world-embracing battles of her great Emperors, after the death of the last of them, the Emperor Barbarossa, the Royal Sovereignity perished, ~~the~~ and consciousness of unity, national ~~the national consciousness was~~ became more and more lost; the ancient Hydra of dissension among the German tribes raised its multiple serpent's head. On the decayed ruins of the German ~~Kingship~~ throne a new world of particularised, territorial powers came into being. Spiritual and temporal princes, ~~imperial~~ free cities towns, Counts and Knights, formed in the course of the following centuries a shapeless confused mosaic of incomplete greater, smaller or ~~smallest~~ infinitesimal state structures, which undermined and ~~choked~~ strangled all sense of a unified state or nation. Princes, nobility, freemen and peasants all chose their own individual ways. Particularistic, ~~egoistic~~ and selfish interests of the different classes frustrated all attempts to classify politically the abundance of creative power within the German Nation, and to reconstruct in some form the decayed unity of State and nation. In addition to all this an event occurred at the turn of the 15th century which was ~~possibly~~ perhaps the greatest tragedy in the history of the German nation: The Lutheran Reformation, born of the deepest origins of German religious feeling and ~~of German religious~~ thought. This Reformation, however, instead of uniting the various German races, instead of arousing this nation, ~~which was~~ split into hundreds of small parts, to a common ideal and to a consciousness of national unity, brought a still greater, and deeper schism, the schism of faith, to this poor dismembered people, ~~with and~~ under the influence rule of an Emperor, who, though powerful again, not only neither understood failed to and the German mentality nor the Reformation born of it, but even felt hostility towards it.

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For Charles V attempted to ~~fight~~ smite this Reformation, which he considered as heretical and sinful, with fire and sword, and thus led the German people into the darkest hour of ~~its~~ their history. In the subsequent Wars of Religion, Germans turned their weapons against Germans, forgetting their ~~cohesion~~ kinship to such a point ~~that~~ where they called foreign nations ~~in to help~~ to aid them against their own German fellow-countrymen, and tore ~~themselves~~ each other to pieces side by side with them. With the end of the 30 Years War the helplessness of the German nation ~~is definitely sealed~~ was finally settled. It becomes the plaything of its neighbours' desires, the welcome battlefield of foreign nations, and ~~that~~ all this occurred at the very time when the English people under the leadership of ~~its~~ their gifted Queen Elizabeth, and shortly afterwards under Oliver Cromwell and under a Parliament, – which, freely elected by its people ~~had~~ was possessed of a sense of responsibility, – laid the foundation necessary ~~to become in due course~~ for its ultimate position as a World Power; at a time, when the French people, ~~under~~ led by their energetic and powerful Kingship, after the defeat of ~~its~~ a feudal aristocracy, had long been ~~since~~ welded together into full unity and into a nation. In Germany, however, every German purpose became benumbed. Through poverty, caused by the long wars, all national consciousness vanished, not only in the political ~~sphere~~ but also in the psychological, even ~~as~~ to the very ~~its own~~ their language. The people embroidered ~~its~~ their ancient language with foreign idioms, and ~~its~~ the great philosophers and poets wrote in French or Latin. Thus, in the petty troubles of a miserable existence, the mass of the German people lost its last recollections of the sovereignity of their Reich.

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Unfamiliar and no longer understood, the Gothic cathedrals tower up in this changed world as witnesses of the past glory of the German burghers. Each lived only for himself, for his poor petty existence. Was it astonishing, that on such miserable soil, under the rays of the admired French Kingship, an absolutism arose in almost all German Courts, down to the smallest domains, which enabled these more or less important gentlemen to copy the roi soleil of France? Only when at the beginning of the 19 century Germany, in alliance with other countries, rose against the foreign rule of Napoleon, the German reawakened to the consciousness of their racial community in these wars of liberation. After 8 centuries the deeply slumbering desire for a revival of the ancient glory of a unified and honored Empire of the German Nation in a new form re-awakened. But only about 75 years ago, after decades of strife and disappointment, this ardent dream became reality, a unified German Reich arose in a new form. In this hour though, for the first time in its history, the German people was taken into consultation by the new constitution in order to advise and collaborate in the guidance of this new Reich. and at the same time with this right was also imposed the common responsibility for the administration of the State: However enthusiastically and joyfully this new right was received, the people could hardly judge at once of the eminent seriousness of this duty. Was it not demanding too much that in a few years a people, the bulk of whom had for centuries been kept apart from any participation in the leadership of its country and its fate, should learn in a few years that which the others had taken centuries to learn gradually, to be an essential part of its existence, thought, acts and feeling?

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It was nothing short of one of the leading men of the oldest democracy in the world, the British Prime Minister, Stanley BALDWIN, who in his speech in the House of Commons on 11 March 1935 declared democracy to be the most difficult system of Government, which can only function if the entire population is able to think intelligently and appreciate well-considered opinions, and is not liable to be led away by propaganda and sentiment. This is the fundamental difference between the Germans and the other Western people, not to be erased by any dialectics, and which explains to a great part the developments of the last 7 decades. An entire population, however gifted and clever it may be, cannot, in such a short period as 50 years, be trained and fully educated in a sphere previously unknown. By experience alone and even then only gradually and slowly, are evolved political thinking, sense, instinct and gift of perception of right and understanding of cohesion in political and social life, and likewise the knowledge that each individual is himself responsible for what is done for and in the name of his people. Inexorably the continuous action of the past in the present is shown also in the history of such nations, which neither believe in this historical law nor wish to do so.

28-E

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Inevitably, the primary consequence of non-participation and with it the lack of any co-responsibility in the Government for hundreds of years by the German people was the belief that it could give its confidence to the men who were charged with the leadership, the more so if such leadership, particulary in matters of foreign policy, was in the hands of a statesman like BISMARCK, under whom the young Reich uncontestably flourished in all spheres, particularly in its economic life, and under whom it enjoyed a blessed period of peace such as it had not experienced for a long time. Trusting and inexperienced as they still were, the German people believed it could also meet the successor of a BISMARCK with the same confidence. But even if in the sphere of domestic politics some opposition was gradually voiced against the new policy, the bulk of the German people was firmly convinced that in foreign policy the new leaders would not divert from BISMARCK's peaceful trend. In its lack of experience, and faced with the secret diplomacy generally followed in force, the German people were not in a position to judge whether the policy followed by their leader was right or wrong. It therefore never occurred to the bulk of the German people, nor could it occur to them, that the policy followed by BISMARCK's successors might lead to war. To the people itself the idea of war was quite remote. It had no other wish, no other longing, but to work peacefully for the domestic development of its recently created Empire, and to live for the growth of its prosperity.

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There was nothing beyond this wish that would have been worth the blood of its sons. The nation was therefore utterly disconcerted when the first World War broke out, and could not understand how other countries could possibly believe it to bear the exclusive guilt for this war after its KAISER's ostensible exertions for the preservation of peace. With the greatest seriousness, inspired by the most sacred conviction that it was now a matter of defending home, wife and child against the unprovoked attacks of hostile powers, it took to arms. And for the same motive, the German nation has never, even after the collapse of its power of resistance through enemy superiority, and to this day understood or in any way sanctioned the admission of exclusive war guilt imposed upon it by the Peace Treaty of Versailles. Consequently it did not feel, and, to this day, does not feel this Treaty to have been a real peace treaty, but a peace dictate imposed upon it by the victorious powers, a dictate which, to it, is not the expiation of a wrongdoing it committed, the kindling of a war, but solely the expression of the purpose to destroy the unity and freedom it had reconquered only a few decades back, and its existence as a nation and a state.

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Again this poor people stood on the brink of the abyss; all what it had longed for and dreamed of during long centuries had finally become reality a few decades ago and now everything threatened to crumble once more into rubble and ruin. Again it stood, as centuries before, at the bier of what it possessed, again it stood in danger of losing its existence as a people and a nation, and of to fall back again in the misery of earlier, obscure times. Only one thing was left to it at this time, and that was the conciousness of its national character, of its solidarity as a nation. And it is an unperishable page of glory in the history of German Social Democracy that it made this conciousness, this feeling of solidarity, its rallying cry, inscribed it on it's banner, preserved and strengthened it in the great masses of the people and opposed with all its influence to the separatism which was rising once again this time also and so helped to preserve the unity of the Reich, and of the nation.

If this was much, although a great deal, it still was not enough, because the Treaty of Versailles stood before it as a terrible danger. This treaty put the faced axe to the roots of its material existence, to its economic life, and cast it for generations into an economic bondage which was bound to suffocate it. I do not need to review these stipulations to you in detail;

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they are history, and after a short time they worked to the detriment of the entire world, thus proving themselves untenable. But whom had the German people have to regard as the principal author of this treaty? France alone, who thereby once more believed she could perpetuate the policy carried out toward Germany since Richelieu of keeping Germany down, if not annihilating her for all time. That was the wish and the dream of a nation, which proclaimed to the world the rights of man, the same nation which 130 years before had written on its banners the watchword, liberty, equality, fraternity.

To all this was added the internal revolution, which had deprived it of any natural and given leadership, which might been able to show it the way of combatting the threatening chaos. All by itself without any help, without any experience of its own, it had to create for the first time a new nation, or rather the foundation-stone for such a nation. Truly a gigantic task for a people, which up to this moment, in its entire past, had always been led, to which a right of self-determination, and therewith a duty of co-responsibility, had first been given only 50 years ago, and then only to a modest extent. Was it astonishing if this task which was given to it went far beyond its strength, if this nation which had not yet gained a firm political tradition, and was torn internally in many directions, soon became the victim, the football of the most widely different prophets

28-I

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who promised it salvation in all possible ways. So it came about, so it was bound to come about, that a constitution was given to it in Weimar which did not suit either the actual circumstances or the character of the German people, nor the requirements of a strong state leadership. A constitution, which did not create a real democratic people's state, but only a party state, in which, not the people, but rather the parties were made the supporters of the state, in which merely the mechanical counting of the votes was assured, but it was left to the parties to decide the conflicts resulting from this. The inevitable result was an infinity of parties, which fought with every means for the votes of the voting masses and thereby created an unlimited splitting of the people into a multitude of parts, all fighting bloodily among each other, which paralysed any strong and consistent state leadership from the beginning, indeed made it impossible. Right here, in the opposition of interests and allegiances of the parties struggling with one another for supremacy in the state, lies one of the tragic causes that explain National Socialism and the subsequent seizure of power in 1933. For the history, the rise, and the fall, of re-emerging nations is determined by eternal laws, which develop and direct events with inexorable logic. Just as without the great French revolution, a Napoleon would never have been possible, so without the basic weakness of the Weimar Constitution there could have been no HITLER.

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Under such conditions ~~made more~~ difficult ~~from the beginning~~, the German people took up the fight against the destruction which threatened them. Who will not or cannot understand that they had become the football of innumerable parties which fought for their votes, who, out of egotistical interests, destroyed one government after another and thereby made any strong, unified stateleadership impossible. With admirable courage and under exertion of their utmost strength, the German people nevertheless had taken up and carried on this almost hopeless ~~battle~~, had tried to fulfil the reparations ~~obligations~~ which were bleeding them white, ~~imposed~~ upon them by the Treaty of Versailles. They had even accepted the inflation, which had left its imprint on their economic life, and, for the sake of the existence above all of their middle classes and to avoid the selling out of their properties through foreign capital, had persevered and conquered it. But all their efforts, their labors, their privations were ultimately of no avail. Their standard of living became lower and lower, more and more factories had to close their doors, sales to foreign countries increased more and more, for a piece of bread and butter more and more items of the national wealth ~~found their way~~ into foreign hands, unemployment increased more and more, almost 10% of the entire population were without employment and food. And why all this? The Western Powers, primarily France, instead of mitigating in their own interests the impossible conditions imposed upon Germany by the Versailles Treaty, used every opportunity to weaken Germany's situation still more and to make it more difficult,

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to enslave the German people still more. I am only reminding you, above all, of the occupation of the Ruhr territory by France in 1920, which was the cause that, in spite of all the more than human efforts, Germany was not in a position to meet the full amount of the reparations imposed upon her. Already in 1920, French troups had entered the Province of Main, for the doubtful reason that, while subduing the communist revolt in the Ruhr area, the Reichswehr had entered demilitarized territory. And in February 1921, at a LONDON conference, new payment conditions were laid down for Germany, as the result of a delivery of reparation coal to not quite the full amount, due to a Communist revolt in the Ruhr area. When again these simply could not be met by Germany to the full extent, Allied troups crossed the lower Rhine and occupied the bridgeheads on the left bank of the Rhine. When on 3 May 1921 the ultimatum, which had been prepared in LONDON, was delivered in BERLIN by the victor nations, whereby the payment of 1932 milliard marks in 37 years, and a quarter of the German export to England and France, was imposed on Germany, French and English troups already stood prepared to march in, in order to enforce this ultimatum. In view of the coming plebiscite concerning the division of the upper Silesian industrial sector, the German Government had no choice but to accept this ultimatum at a time when 50 milliard marks were required to produce a single milliard of foreign gold currency. And as, after the division of upper Silesia between Germany and Poland to Germany's disadvantage,

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the year 1921 came to a close, Germany came under the domination of the so-called Reparations Commission, which not only dictated to Germany a number of new taxes, but moreover also demanded at once a payment of 280 million gold marks. From the Economic Conference which met at GENOA on 10 April 1922, Germany hoped in vain for deliverance. From the start, France rejected any discussion of ~~the~~ reparations ~~obligations~~ and ~~with it~~ all other the economic problems. It was soon to become clear to the whole world what France was aiming at by this uncompromising attitude. Weakened by the measures of the Western Powers, the loss of the Upper Silesian industrial area, and the ~~dizzily rapid~~ vertiginous devaluation of the German Mark, the German Government in 1922 saw ~~herself~~ it twice forced to request delay in the payments. It had, however, to pay for this delay by the acceptance of a financial control by the Western Powers and by impotently ~~watching~~ standing by as the Germans ~~being~~ were evacuated and driven away from Alsace-Lorraine by France, their ~~property~~ being confiscated by France. And ~~then~~ when on 15 August 1922 the German term policy finally collapsed, the German Reich could no longer meet fully even deliveries in kind, ~~and~~ so that in December 1922 the Reparations Commission believed it could establish the fact that during the year Germany, due to ~~a too small~~ insufficient deliveries of lumber and telegraph poles, had been guilty of a deliberate misdemeanor. France ~~used~~ seized the opportunity of this ~~apparently~~ ostensibly deliberate misdemeanor to introduce the right to impose sanctions.

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In contrast to England and Italy, who did not insist on territorial pledges, she permitted her troops to cross the Rhine and occupied the Rhur area. Her wishful dream had come true. Germany, completely without rights, had collapsed and was at her mercy. How does this open desire for destruction, which no dialectics can deny, compare with the national community spirit, so strongly emphasized today by the French Prosecution, with humanity and the teachings of the Christian faith? Your Honors, I was forced to bring all these historical events once more into the open in order to show you how the soil was prepared in which grew the seed of National-Socialism, indeed a seed that inevitably had to grow and which was only recognized as dragon's seed when it already was too late. Almost simultaneously with the establishment of the Stahlhelm (Steel helmet) in Northern Germany, the German Labor Party was established in Southern Germany, the latter of which Hitler joined as seventh member during 1919, immediately assuming its leadership. Both were derived from the war experiences of a million soldiers and the comradeship which had been carried to the very highest level during the war, both had written on their flag the national idea, the re-establishment of a new national State. While, however, the Stahlhelm was satisfied in the main with the fostering of national and socialist tradition amongst its members, which soon numbered hundreds of thousands, and did not aim at party-political goals, the German Labor Party, under Hitler's leadership, soon extended its aim very much further, thus making itself the political bearer

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and the spokesman of not only a national but of also a socialist aim, namely the aim of bringing about an internal renewal of the entire nation by the blending of the National idea with the Social idea, and problems of the time. This aim was based on the conviction that at some time, as a result of Germany's collapse, there would gradually be a complete change in the social structure of the German people, and further that a re-establishment of the Reich would only then be possible, if a really uniform racial community necessary for this were created on a national and social basis. According to HITLER's conviction, this was only possible if Socialism were based on racial community, racial community on Socialism, and both were welded into one unity. He therefore gave the Geman Labor Party the program which is only too well known, while at the same time changing its name to National Socialist German Labor Party. This program was national in its demands after the throwing off of the shackles of the Treaty of Versailles and the establishment of a new unified German Reich, socialist in its demands, which, with special emphasis on the value of labor, included above all, the discontinuance of an income without work or effort, nationalization of certain industries and the riches of the soil, as well as the breaking up of the so-called interest-servitude (Zinsknechtschaft). As soon as this program had been set up, there shone unmistakably from it the desire and will, slumbering in millions of Germans, for a re-birth of Germany out of all her misery, for a new national and social freedom. And in connection with this program there is something which I must strictly and definitely establish once and for all before the whole world.

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It is not true that the much discussed point 2 of this program, which demands the setting aside of the Treaty of VERSAILLES, contains or contemplates the threat of force. The assertion of the Prosecution to the contrary lacks all justification. Nowhere in this program has even one word been said regarding force. Nor, in reference to the principle of a nation's right of self-disposal, does the Prosecution recognize a threat of force?

No wonder that this program, which more than all other Party-programs, combined within it the wishes and demands of the time, gradually met with approval and exercised a greater and greater attraction. And it was not the always repeated burdens and beatings which were imposed on the German people by the Western Powers, above all the occupation of the Ruhr area, which more and more increased this attraction. For particularly the occupation of the Ruhr territory, which the entire German Nation regarded as oppression and which had brought forth this courageous opposition, permitted the awareness of national unity to flare up in all its brilliance for the first time since 1918. A great tragedy lies in the fact that the Western Powers did not recognize this first flaring up of a new German national consciousness, did not understand this sign of the times and showed no interest at all. Who knows if, by a gradual loosening of Germany's economic and political shackles on the part of the Western Powers, the development of things would not have taken an altogether different course, and the world would have been spared the bloodiest of all wars!

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But instead of loosening their grip, the Powers tightened it up more and more during the following years. Under the pressure of the Western Powers ~~it came to~~ the well known Dawes plan was drawn up in 1924, which changed the German reparation obligations ~~which were due~~ into negotiable papers, and thus compelled Germany to contract enormous loans abroad against ~~emancipation of~~ the possibility that might be emancipated the Reichsbank from the Reich and ~~its being~~ placed under the supervision of a special Commission, against the transformation of the Reichsbahn into a joint-stock company and the mortgaging of debts, taxes, and other securities, in order to be able to comply with her reparation obligations. This, however, in face of the improverishment of Germany together with the necessity of having to pay interest on these loans abroad, ~~abroad~~ improverishment due to inflation and to the enormous selling off German national property to foreign countries meant, a still greater enslavement and subjection of German economy, of German activity in all spheres, under the rule of foreign countries and foreign capital, ~~taken ever before~~. And the Ruhr area remained occupied.

In ~~the year~~ 1925 the Dawes plan was followed by the LOCARNO Pact. The latter, which was in the first place a political insurance scheme ~~reassurence~~ of international ~~high~~ finance against the risk contained in the granting of loans to Germany, connected indeed in a certain sense the interests of the Western Powers with Germany's economic payment obligations, and compelled them to extend a respite to Germany, and gave her also, through her more or less compulsory admission to the League of Nations, the basis, ~~the spring-board~~

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for her ~~later~~ eventual struggle for the recognition of equal rights; it meant, however, on the other hand, the repetition of the discrimination against Germany by the repeated recognition of all military and political obligations imposed upon her at Versailles. ~~Mean~~while German economy, indeed appeared to flourish again as a consequence of the capital pouring into Germany, ~~according~~ under to the Dawes plan; this economic prosperity, however, turned out after a short time to be ~~a mock~~ sham prosperity. Another period of tremendous unemployment set in, one factory after another was forced to close down again, the standard of living constantly ~~sank lower~~ decreased and lower, poverty became worse and worse. The distress of ~~the~~ widest circles of the ~~people~~ population and the impossibility of complying with the German payment obligations became constantly more obvious. Instead of helping Germany, however, the Western Powers submitted a new plan at this moment of extreme distress, the so-called Young plan which, indeed, brought with it about the evacuation of the Ruhr, not ~~an~~ although alteration of the discriminating conditions of the Versailles Treaty, but the ~~imposing~~ injunction of immense yearly reparation payments up to the year 1966. In order to protect Germany from ~~the~~ a catastrophe, the German Government was compelled to accept this plan.

Not only a complete revolution of the economic structure, but also a revolution of the sociologic structure took place in the German people, under pressure of all these events attended by their difficulties. What had already been proclaimed in World War I, and had found a definite shape during the years of the inflation, now became conspicuous and grow into a decisive factor of further development.

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The ~~larger part of~~ majority among the independent middle class and the ~~major~~ larger part of the bourgeoisie were gradually becoming proletarianized, ~~like~~ while the working classes partly ~~grew into the sphere of~~ merged into the lower middle class, partly sank more and more to the bottom of the social order because of increasing unemployment, and property was held only by a small and ~~decreasing~~ dwindling part of the people. Through this revolution in social conditions, and class contrasts, the difference between the bourgeoisie and the working class, was practically eliminated and a large community with a common destiny grew out of the distress of the times, in which all parts of the people found themselves united. This fusion of the upper and lower classes, which had been hitherto separated from one another, produced a state of mind in which the concept of racial community was innate, and the inner contrasts and distinctions of which were conditioned more by ~~their~~ participation in politics and ~~their~~ attitude to the latter. These contrasts, this contrasting attitude towards politics, culminated in two ideas, ~~the idea~~ that of nationalism, and ~~the idea~~ that of international communism. And here HITLER, and the NSDAP by him, began with the struggle for the soul of the German people, in which he took a resolute and purposeful stand in the struggle for the national idea against the international communist idea. In this struggle, which was started by him, immediately after the occupation of the Ruhr with all propagandistic possibilities and by fully exploiting ~~completely~~ his indisputably extraordinarily suggestive influence on the masses, it was precisely the western powers, with their policy of confining the German people in ever ~~tightening chains~~ closer bondage and driving it into ever ~~increasing~~ greater distress, ~~which~~ who furnished him ~~with~~ his keenest weapon.

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With this weapon he succeeded in re-kindling the national idea ~~again~~ in ~~constantly increasing~~ more and more circles of the German people, so that in the Reichstag elections of 14 September 1930 the NSDAP was already able to ~~occupy~~ figure in the Reichstag as the second-strongest party. These elections showed two things of singular significance: First of all, the will of constantly expanding circles of the German people to reestablish its honor and equality in the council of the nations, the will to live of a people ~~which~~ who for 12 years had been suppressed and ~~hurt~~ humiliated in ~~their~~ its most elementary feelings, and had been gagged and threatened in ~~their~~ its existence. However, they also showed, that a large part of the people had become tired of the eternal party ~~disunity~~ strife in the Reichstag and the government, and were longing for a leader, ~~who was~~ to lead them out of the threatening chaos, and that this large part of the people regarded HITLER as the leader. However, once again the Western powers failed to recognize this signal. They forgot, or ~~they~~ did not want to acknowledge, that the fundamental physical law that every living force, if ~~it is~~ subjected to pressure without an outlet, will explode the shell around it, ~~which~~ also applies to the life of the nations, Because the nations also ~~maintain~~ represent a living force. They forgot this, although in their own history they had ~~shining~~ excellent examples for the correctness of this thesis: The French people in their great revolution, the English in ~~their~~ Cromwell. Instead of obeying this law, they continued ~~changed~~ without change in their previous policy. They replied to the elections of 14 September 1930 by withdrawing the credits granted to Germany, and France obstructed all attempts of the German government

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to obtain any kind of mitigations in the economic and political fields. IN VIEW of the limitation of time for their final pleadings, to which the defense has been subjected, I must desist from describing the results of this policy more closely, and I must limit myself to the statement that the need of Germany became constantly greater, while conditions in Germany were gradually becoming intolerable. No one who has not personally lived through it can quite imagine what conditions were like inside Germany at that time, and what appalling distress, what atrocious pressure availed her. Germany at that time was literally suspended over the abyss, because in addition to the struggle for her very existence, there was the struggle for the inner change of form of the people, the struggle over the question whether the majority of the German people was willing to surrender itself to Socialism on a national basis or a millenial international Communism. To this question the German people first of all replied by re-electing Reich President von HINDENBURG on 13 March 1932, and finally, when even a man like Brüning no longer succeeded in forming a capable government majority from the parties of the Reichstag, by the Reichstag elections of 6 November 1932, from which the NSDAP emerged by far the strongest party of the Reich. Almost one-half of the nation had thereby uniformly expressed that it was tired of the eternal party-disunity, that it longed for a strong leader, who was to save the German people from all its want, to tear it away from the abyss, and to lead it toward a new future.

Since on the other hand, however, the Communists also had achieved a great success in the elections and prepared for an open battle for power,

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HINDENBURG saw himself confronted by the choice, either to appoint HITLER Reich Chancellor, as leader of the strongest party, or to proclaim military dictatorship. The latter, however, would have meant a civil war. After a severe inner struggle, HINDENBURG, in accordance with the democratic basic principles to which he was pledged, decided to appoint HITLER Reich Chancellor, and thereby saved the German people from a civil war.

Thus, and in no other way, did the seizure of power in the German Reich through HITLER and the NSDAP take place.. The History in its logical development was uncompromising as always also in this case. The reason for HITLER's appearance and his rise to power lies after all in the Versailles Treaty, which put the German people into intolerable chains which no people on earth could endure for the duration. It was the tragedy of Germany and that of all of Europe, that the victor powers of Versailles did not want to consider this, and instead of recognizing the unnatural condition which had been established in Versailles with its unavoidable results, continued even to aggravate them more and more in the course of the years. Let it be said here in all unequivocality, it is not the German people who bears the sole guilt for HITLER's appearance, but, if in history one can speak of any guilt at all, to the same extent the effects of the Versailles Treaty. However, the nations of the earth, as long as they still harbored a spark of the will to live and strength of life within themselves, have still produced men in days of the deepest need and dishonor, who, chosen by history, have risen to leaders from this need on the basis of their personality, and on the basis of their ability to carry along the great mass of the people.

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The great tragedy of the German people lies ~~therin that this time there~~ in the fact here was a man who did not ~~come~~ spring from the authentic and genuine German race, did not incorporate in himself the true character, the true disposition of the German people, ~~that he was~~ but was a stranger whose origin and descent is still wrapt up in mystery. But at that time, in those fateful days, he must have appeared as the only one who could lead the German people from chaos to a new life, and who through the circumstances and the will of the people obtained the force and power ~~for it~~ to do so. The power of attraction of HITLER on the masses was all the greater ~~as~~ since behind him stood the towering shape and nimbus of ~~the~~ Reich President ~~of the Reich~~ von HINDENBURG, who had already ~~nearly~~ almost become a myth. But it must be pointed out with emphasis, in the interest of truth and for the honor of the German people, ~~that notwithstanding~~ the fact that at the first new elections after the assumption of power by HITLER, the Party did not succeed in obtaining the absolute majority in the Reichstag, rather that about half of the electors still followed the democratic spirit of their old parties, which proves how deeply rooted the democratic idea already was in the German people.

HINDENBURG's authority also ~~stood behind~~ backed up HITLER's governmental actions which now followed, which from his point of view aimed logically and consistently at helping his State leadership to lend the ~~largest~~ maximum possible vigor and strength to his fight against the forces of decomposition still existing in the country, as well as in the struggle for economic and political freedom. Without such strong and uniform State stewardship this struggle was not feasible. This was proved by the experiences of the postwar period.

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It was therefore not only a consequence resulting from the personality of HITLER, even though he endeavoured to collect for his State stewardship all the forces inherent in the people for the approaching fight for their existence and then to agree, with the consent of the President of the Reich through the democratic Constitution of a freely elected Reichstag, to the so-called Enabling Act (Ermaechtigungsgesetz) of 23 March 1933, and by reason thereof affected the sanction of the Cabinet to the so-called Conformity Act (Gleichschaltungsgesetz) of 7 April 1933. Both laws served HITLER's ambition to enable the Government to seize all the necessary national strength in the coming fight for existence. The law concerning the Unity of State and Party, as well as the dissolution of all other parties, served the same purpose. As a result of the existing conditions, all this was due to the demands to eliminate all internal disturbances and thereby give the Reich Government a free hand in its fight against economic distress, and to regain also for Germany a fitting place in the Council of Nations. This demand explains also the establishment of the Secret State Police to cover the combatting and eliminating of underground Communist agitation.

In order to recognize at that time the future extent and possible development of these measures, the largest circles of the German people, above all youth, lacked, besides any experience whatsoever, also the faculty to judge. For it was the youth above all, which in its distress rejoiced in HITLER as the longed-for leader, and followed him with blind confidence as the man who was to deliver it from all

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unnatural shackels and all shame. Gerhart HAUPTMANN, the wellknown German poet and great authority on national traits, who died recently, wrote a sentence in ~~one of~~ his perhaps ~~deepest~~ profoundest psychological ~~works~~ book "Der Narr in Christo" ("The fool in Christ"): "Nature's greatest social cement is always a common imaginative pattern, as is well known to those who wish to establish an orderly unit out of a multitude of people. Such state-building opressors and dominating types make use of those men, who, endowed with a fanatical imagination, believe in, further, and carry out their dreams, whereupon the masses then erect the same sanctuary for which, for a long period, no sacrifice is too costly." How much more must the truth of this quotation hold good with a nation, which, as I have attempted to show, throughout its entire history has always been accustomed to be led, which practically never directed its own fate, which for 15 years has again and again been disappointed and had had to lose all hope that the other States would come to its aid. ~~And it approved~~ did it approve all the more, this strength of the State leadership, since it was tired of the constant party conflicts and, undisturbed by further internal fights and upsets, only desired to devote itself to the re-establishment of its economic existence. In its blind confidence, it had as yet not recognized that through Government measures it could in future itself be placed in shackles, that it could itself be deprived of the possibility of taking a stand against a state leadership which was repugnant to its innermost feeling.

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At first his confidence in HITLER was still confirmed and strengthened by the undeniable fact that HITLER succeeded in starting the economy again and in slowly banishing the ghost of unemployment. For in the short span of one year HITLER had already succeeded in giving work and bread again to almost 2 million unemployed. And if these successes were partly made possible by recommencing armament and other public works, he did not encounter any of the formerly somewhat belligerent desires and impulses of the German people, but met only the sense for armed games which has been present in the German people since olden times, and a certain inferiority complex. General SMUTS has recognized this absolutely correctly in his speech before the Royal Institute of International Affairs on 12 November 1934, when he said: "We are continuously told what is going on on the opposite side of the Rhine, about the secret armaments. It probably is nothing else but the consequence of the inferiority complex. It is not real militarism, but these are military stimulants for the masses. This wild behavior creates a blessed feeling of satisfaction and relief with those who consider themselves inferior or humiliated by their neighbors across the Rhine." So the German people enjoyed the military spectacles offered to them, not out of belligerent impulses attributed to them by the Prosecution or even from wild wishes of aggression dormant in them, but simply because of joy in the spectacle and out of an instinctive feeling which the founder of modern historical research has expressed as follows: "The national consciousness of a great people demands a suitable position.

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in the world. The conditions abroad do not form an empire of convenience, but of essential power. The respect of a State will always correspond to the degree on which the development of its interior powers stands, and each nation will feel it, if she does not see herself in the place fitting to her."

And now these people, who had languished under this instinctive feeling of inferiority up to the seizure of power by HITLER, saw how suddenly, as if by magic forces, one discriminating chain of the Treaty of Versailles after the other fell from them, under HITLER's leadership, and Germany was about to take up again the place in the family of peoples which she had to do without for such a long time. Does it not actually almost come close to a miracle, if one considers how the foreign policy conducted by my client succeeded in clever exploitation of the foreign political constellations and incidents which occurred in the period of the following years, and how it succeeded in a peaceful way and with peaceful means to remove, one after the other, all regulations of the Versailles Treaty which gagged Germany in her foreign political position; and if one considers that the Western Powers which had up to that time so anxiously watched the most exact keeping of even the most unimportant regulations of the Treaty of Versailles, now tolerated everything quietly and could not rise above protests on paper. Is it not actually almost grotesque that from 1933 on, the same people which in former years had revenged the slightest non-fulfillment of the obligations of the reparations by a democratically governed Germany with military means, like the occupation of the bridgeheads on the right side of the Rhine and the occupation of the Ruhr area,

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now suddenly only reacted with meaningless protests to measures of Germany which supposedly were considered by them as violations of the most important treaties, like the armaments and the remilitarization of the Rhineland, and that they did not even think of offering serious resistance? But did this not also necessarily result in increasing HITLER's national popularity, his respect among the large masses, their readiness to follow him and their faith in him, and to make the people blind toward the measures within the country, which were gradually becoming more and more severe, against the gradual throttling of cultural, artistic, and intellectual liberty, the free expression of opinion, and criticism, and against the anti-Semitic measures. Even the bloody incidents of 30 June 1934 were hardly able to change this attitude, quite on the contrary. For after the extremely clever explanation which HITLER gave them, these things were bound to look to the people like a purely internal affair of the Party which served to purge the Party from impure elements, and were not only bound to strengthen confidence in him, but also to remove any doubts and misgivings about him and his authoritarian state leadership, which had already arisen here and there. And the fact that the murder of high generals did not arouse any reaction whatsoever in the people, actually proves only how little militaristic the attitude of the people was. And when here in this trial the Prosecution reproaches the entire German people with such emphatic indignation for not having revolted and risen up all together against this restraint and enslavement, against the excesses, and especially against the frightfulness of the concentration camps, against the persecution of the Jews, the following has to be set down against that with all emphasis:

The gagging of the cultural and intellectual

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liberty primarily and chiefly affected the upper class intelligentsia, which were relatively ~~thin~~ weak in number in relation to the entire population, and was therefore hardly felt by the sum total of the people, because on the other hand Hitler took care to a very great extent to satisfy the needs of the masses by popular and inexpensive, in many cases free, theaters and movie performances and concerts, by the presentation of public dramas , and by other arrangements.

What consequences the gagging of the intellectual upper class was were bound to have, was not and could not be ~~quickly~~ readily realized by the great masses, because they were kept completely busy with their work and the manifold other diversions.

But with respect to the concentration camps and the cruelties committed in them, I consider it my duty to state once and for all, for the honor of the German people: It is not true that the great majority of the German people, up to the last period of the war, had any knowledge about what was going on in the concentration camps. ~~The opposite affirmation~~ An assertion to the contrary can only be made by someone who has no idea of the actual conditions in Germany, about the cunningly devised system of keeping conditions in the concentration camps ~~secret~~ a secret, and even ~~about~~ the existence of most of the ~~camps~~, After all, how could it have been possible for larger groups of the people to have learned about the conditions in the camps? The Prosecution itself has tried to prove here that only a very small percentage of concentration camp prisoners were set free again, and those who were set free had to bind themselves in writing, under the treat of the ~~death penalty~~ capital punishment, to keep absolutely ~~quiet~~ silent about their experiences during their imprisonment.

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They knew that if they violated these obligations and the Gestapo became informed of the fact they would forfeit their lives. I have myself been faced in my practice with a number of liberated concentration camp prisoners, but I have not been able to induce any one of them to speak, and it was the same with many others. And if one or other of them did tell anything, his audience was careful not to repeat it, because they knew that they incurred inevitable arrest and internment in concentration camp if the Gestapo should become informed of the fact. Then, when, in the course of the War, particulars concerning concentration camps slowly transpired, most German cities were already under the hail of allied bombs. It is admittedly only too human that faced with the horror of daily air raids the populace should have harbored no thoughts for the fate of concentration camp internees, but rather for their own fate, and that of their kinsfolk, and for sheer life, for existence. And lastly, let me ask you, gentlemen, who should have revolted, who should have risen up with violence against the domination of HITLER and the Party? Since the outbreak of war, since the autumn of 1939, the flower of the male population was under arms and fighting a hard battle at the front. No revolution cannot be made by children, women, old people, disabled and more or less feeble men. And who was going to take the initiative, who was going to lead it? No revolution has ever yet been carried out by leaderless masses. Always and everywhere there must be leadership to guide and lead the masses and

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manage them. A "levée en masse", especially when moreover undertaken by an unarmed populace against an armed and organized power, is just as doomed to a hopeless issue in the internal sphere as in war. The hopelessness of a popular rising or revolt is clearly conveyed by the fact that the conspiracy of the 20 July 1944 failed, long prepared as it was with every conceivable precautionary measure, by real leaders enjoying a wide popular support. The fact of this conspiracy alone, however, proves one thing: that the French Prosecutor Monsieur de MENTHON is not right when, in his very brilliant and interesting address on 11 January 1946, he represented the abhorred National Socialist ideology and its glorification of race and German racial superiority over every other nation on earth as the expression and supreme product of the German mind and of its true nature, and names a FICHTE and a HEGEL as the heralds of this development: FICHTE, one of the greatest and noblest champions of Christianity, Christian ethics, and morals, is worlds apart from this National-Socialist ideology. And how can anyone so much as name such an ideology in the same breath with HEGEL, whose philosophical system was perhaps the most idealistic of all systems, who saw in the State the reunion of every moral force and purpose, to whom the State appeared as the materialization of the notion of morality in a manner reminiscent of the antique Ideal, as something divine on earth. And the French Prosecutor forgets that it was the German Nation which produced a KANT, whose imperishable doctrine of the categoric Imperative, except for Christian ethics,

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probably the ~~most~~ most profound and august expression of the moral principle of all times. And he is mistaken when he brings NIETSCHE, ~~that~~ the unique thinker who stands alone in the whole German spiritual universe, and his longed for Superman, into any relation whatsoever to the ideology of the National Socialist leaders. He is also worlds ~~apart~~ removed from them. No, Gentlemen, these spiritual heroes of the German Nation have nothing in common with Nazi ideology. The latter ~~is~~ stands, in truth, in the sharpest contradiction ~~with~~ to real, genuine German thought and sentiment, the real character and dispositions of the German Nation and, most of all, its attitude towards the other nations of the world. For this Nation has never assumed itself to be better or more august than other Nations. Neither was it ever possessed by a desire to destroy other nations. It is, above all, ignorant of hatred and revenge. The great tragedy of the relations between the German and the French Nations is precisely that the latter has always refused to understand that the German Nation has not ~~been~~, like France ~~herself~~, been possessed ~~of the~~ by thought of revenge from the war of 1870 to the World War, nor obsessed, even after Versailles, by the reconquest of Alsace-Lorraine . The idea of Pangermanism, of the great German Empire, has never, even in the period of greatest enthusiam for HITLER, stirred any echo in the German Nation despite the undeniably kindred example offered by the Pan-Slavic doctrine and its enthusiastic reception by the Slav populations. And it was ~~just~~ very these ideologies, preached by the spiritual leaders of the Party, which immediately

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determined and fortified the opposition, first in the intellectual circles and classes of the German Nation and then in other classes and in the very ranks of the Party, as a result of further constraints and limitations of personal freedom. For those reasons the Nation, in its overwhelming majority, was by no means inflamed by the war initiated by Hitler in Summer 1939. What was the Nations frame of mind already in Autumn 1938, I take the liberty of illustrating for you, Gentlemen, by a minor personal experience made on the 25 or 26 September 1938. I happened, on this day, to have my car held up in a street leading to one of the large thoroughfares leading south out of Berlin, because the whole street was jammed with vehicles.

When I asked a common woman of the people, who happened to pass by, the reason for the traffic jam, she answered: "They are going to war down there" with such an expression of abysmal despair and horror that I was chilled. Such was the attitude of the population towards war, an attitude likewise evidenced by the fact that the departing troops were by no means hailed and cheered by enthusiastic crowds, but were gazed at with dull, frightened eyes. And if you ask me why the Nation did not then rise up and revolt, you will find the explanation in what I have said before. As a nation accustomed to blind obedience and to centuries of obedience, the German Nation followed once again the order of the leader which it had raised to power. As a nation slowly but surely fettered by this leadership, it had likewise no possibility of revolt, no possibility of a spontaneous, unprepared

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and unguided rising against its leaders. Such an outcome could only occur when the pressure of war became growingly unbearable, and conscientious men in leading positions concurred in the attempt, by slow and determined work, to put an end to the folly of Nazi domination and resulting war, and save the German Nation from an otherwise certain catastrophe. Nevertheless, Fate denied success to the attempt. But, I repeat, the very fact of the attempt, its support by wide circles of the Nation and even of the Party, definitely proves that the Nazi ideology, which clearly governed politics since 1938, was neither in keeping with the real character of the German people nor with its nature, talents, soul and mentality; neither was it engendered by them, but was rather foreign and naturally opposed to them.

But it was not only the men of the 20 July 1944 who had striven to do away with Hitler and the whole National-Socialist domination. There were other men who were determined to reach the same goal, if by different methods, and had already taken the first steps to that end. As you heard in witness Stroelin's testimony, defendant von Neurath was one of them. How could it have been otherwise with this off-spring of an old family which has given many a trustworthy civil servant to its immediate Wuerttemberg home; whose whole life, inspired by the spirit prevailing in his family home, has been filled with the most ardent patriotism, with ardent love for his Nation, whose entire aspiration has been directed towards the exclusive purpose of placing all his strength and all his power, all his talents and capacities, at the service of his Nation's welfare, and to subject and, indeed, sacrifice his personal interests to it.

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Born as a scion of an old family which gave its small country of Wuerttemberg so many faithful high government officials, he grew up with a simple and strict education in a parental home filled not only with a real Christian spirit and true love for mankind, but also with a flourishing, devoted love for his German people nad Fatherland. From his tenderest age and during his whole life his thoughts and actions had implanted in him the desire and will, the holy duty, to place all his powers, all his ability,

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all his gifts and capacities at the service of the welfare of his people, to subordinate and even sacrifice all his personal interests to this. But, and this must certainly be emphasized in this place, aside from this aspiration there was alive in him and woven into his being to an equally strong extent a deep religious feeling, love of the truth and love of mankind that made him from the beginning adverse to the use of any form of violence, not only in his private life, in his relations with his fellow men, but which ruled rather to the same extent his entire official activity, even after the treaty of Versailles. His acts bore the stamp of this feeling and it became the law governing his official dealings as representative of the Reich in other countries, as well as Foreign Minister and lastly as Reich Protector of Moravia and Bohemia. Not only by his conciliating amiability, his commanding appearance and demeanour, so understandable in a man of his origin and education, but also primarily through the love of peace and sincerity which permeated all his actions as a diplomat and statesman he won the unlimited and sincere respect and sympathy of all the people he came into contact with, the world over, even of his political opponents. As a unequivocal proof of this fact, the truth of which, your Honors, may be confirmed by your own diplomats, it will suffice to refer to the fact that, as you know from the sworn affidavit of my client, no less persons than King George V and King Edward VIII of England received the defendant in private audiences upon the occasions of his presence in London in 1933 and 1935, that the British Government in the summer of 1937 and again in 1938, when

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he was no longer Foreign Minister, invited him to visit England for political discussions, and lastly that on his 65th birthday on 2 February 1938 the entire diplomatic corps called on him to congratulate him and to express through the then dean, Monsignore Orsenigo, its thanks and its appreciation for the reasonable and understanding manner in which he always discharged his duties. Do you, your Honors, credit your own diplomats and statesmen with so little knowledge of human nature, so little experience and knowledge of the world that in the course of the defendant 6 years' activity they would not have found out, if the assertion of the Prosecution were true, that Herr von NEURATH had knowingly let himself and his good reputation be used as a covering shield by the Nazis, and that all his statements and assurances as Foreign Minister were mere camouflage, that is to say, a deliberate deceiving of the whole world? In this connection, it may well be pointed out as quite obvious that such old and experienced democracies as England, America, France, as well as the Vatican, had delegated to the then very important post of Ambassador in Berlin their cleverest and most experienced diplomats. And I am tempted to assume that the Prosecution possibly did not realize quite clearly what a dubious compliment it paid to its own diplomats by its assertion about the defendant, while it produces in proof of said assertion only the highly fantastic report of the American Consul MESSERSMITH. I am moreover unshakably convinced that you, your Honors, based on the very reason of your long judicial experience, have far too much

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knowledge of human nature not to see at first glance that my client by hi entire personality is absolutely incapable of such a perfidious and lying way of acting, let alone capable of play-acting to such an extent that fo. six long years he could have fooled the ablest and most experienced diplomats in the world. A man who for 60 years has led an honorable and absolutely decent life, like the defendant, would never in the world at the end of such a life have lent himself for such a disavowal and negatio: of all that he had so far held highest. That would be contrary to anybod: personal experience.

And on the same level stands the Prosecution's assertion that the defendant von NEURATH, by joining and remaining in HITLER's cabinet serve as a fifth columnist in the conservative circles of Germany, for the express purpose of winning them over to National Socialism. This slander of the defendant, which moreover was brought forward without any attempt at justification, is contradicted by the sworn statements of all witnesses and the affidavits submitted, which unanimously tend to prove that the resignation of the defendant from the office of foreign minister was vie in just these circles with the greatest dismay and concern, because these circles considered that this withdrawal of the defendant from the government was in itself a sign that from then on his pronounced peace policy would be replaced by another, more belligerent, tendency in foreig policy, which was quite rightly considered as a national calamity. For, like everybody else, they shared the conviction of Reich President von HINDENBURG, that Mr. von NEURATH was the exponent

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of the peaceful foreign policy of the Reich and the guarantee for a consistent continuation of this peace policy, and was against any possible, undesired aggressive experiments by HITLER and the Nazi party and that for this reason the Reich President had made it an express condition that the defendant should remain in the Cabinet as foreign Minister when HITLER was called to the Reich Chancellery. This fact is confirmed beyond doubt by the sworn statements of all the witnesses heard, as well as by the carbon copy submitted by me of the letter of the witness Dr. KOEPKE of 2 June 1932 to Ambassador RUEMELIN, Doc. book I, No. 8, and the affidavit of Baroness RITTER, Doc. book I, No. 3. But the latter proves also at the same time how unwillingly and after how long a struggle the defendant finally decided to accept this call and therefore supports the defendant's own sworn statement, that he only decided to do so after the Reich President whom he so highly venerated, appealed to his love of country and reminded him of the promise he had made two years before not to leave him, the Reich President, in the lurch whenever he needed him. There is certainly no need for further proof for the utter groundlessness and inaccuracy of the further assertion of the Prosecution, also submitted without proof, that the defendant had used his position, his reputation, his connections and his influence to lift HITLER and the Nazi Party into the saddle, to help them to secure supreme power in the Reich. Therefore, I hardly need to refer again to the statements of the defendant GOERING and other witnesses, particularly Dr. KOEPKE, from which it appears beyond doubt that at the time there were absolutely no relations between

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HITLER and the Nazis and the defendant, and therefore even less could the defendant have taken any part in the negotiations which took place before HITLER's call to the chancellorship. Love of his country, deepest concern over the weal and woe of his people, and his promise not to leave Reich President von Hindenburg in the lurch in this time of need, were the only reasons which moved this man to leave the post of Ambassador in London he had come to like so much, to assume at that critical and fateful hour the heavy charge of Foreign Minister of the Reich, and the task assigned him as such by the President of the Reich to continue the guidance of the foreign policy of the Reich in peaceful ways, even eventually against the will of HITLER. The defendant von NEURATH can claim fully and rightly that he carried this heavy task at all times, even after the death of Reich President von HINDENBURG, with all his strength and with the pledging of the full force of his personalit Up to the time he was forced to admit that this task was beyond his strength, that HITLER no longer let himself be influenced by him, but had decided to pursue a line of foreign policy along which the defendant, owing to his inmost convictions and his personal point of view, could not follow.

Up to 5 November 1937, the date of the famous speech of HITLER to the Commanders of the various branches of the Wehrmacht, the defendant von NEURATH remained at his post, in the most faithful performance of his promise to the Reich President von HINDENBURG, even after the death of the latter. Out of this faithfulness to the dead Reich President.

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he has assumed the odium in many cases concerning Hitler's home politics of having been compelled as a member of the Reich Cabinet, to allow in silence things to take place which were contrary to his own convictions, did not agree with his views and wer in direct contradiction to them. It was not in his power to prevent them. So he was forced to be satisfied with trying as far as was possible to mitigate their effects and consequences, as you could see from the Affidavit of Provincial Bishop Dr. Wurm, Doc. Book I No. 1, and the statements of the other witnesses heard in this connection.

The reproach of the Prosecution, that he did not make such cases an excuse to lay down his office of Minister, but that strough his remaining in office he had consciously approved and abetted, is entirely irrelevant. The first law governing his action was the carrying out of the duty assigned him by President von Hindenburg, to secure the continuance of the Reich's peaceful foreign policy. He would have considered himself false to his word if he had resigned his post of Foreign Minister before this was accomplished or before there was no possibility of its accomplishment. What person thinking objectively could bring himself to reproach him regarding this or even, as does the Prosecution, identify him with the Nazis.

But this attitude of the defendant, however, is the only reason why he did not refuse, as did the Minister Eltz von Ruebenach, his nomination to the rank of Honorary "Gruppenfuehrer" of the SS in September 1937 and the presentation by Hitler of the Party badge in gold at the Cabinet Session of 30 January 1937, which facts are made a reproach by the Prosecution into a reproof and a proof of his alleged National-Socialist sentiments. For, as the statement of the defendant Goering

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concerning the latter, such a refusal, by the defendant von NEURATH, as was the case with Eltz von RUEBENACH, would have been resented by HITLER as an act of rudeness which would without any hesitation have been answered by the immediate dismissal of the defendant. But it was just this that the defendant wished to avoid, for at that time he was still in a position to carry out to the full extent the task assigned him by the President of the Reich, to be the guarantor of peace in the foreign policy of the Reich, because, he was fully justified in his conviction that his influence over HITLER was still strong enough to ensure his agreement with the peace policy he was then fostering. - The evidence submitted proves beyond doubt that in both cases it was not a question of actual membership of the SS and the Party, but in the first case it was only a matter of uniform, an external vanity of HITLER in regard to the men of his retinue during the impending visit from MUSSOLINI; and secondly that it was a matter of a visible recognition for the services rendered by the defendant as Foreign Minister, which at the same time implied a proof of the unlimited agreement of HITLER with the peaceful foreign policy followed by the defendant, in other words an entirely normal awarding of decorations as is practised in every State. The conferring of decorations in the ordinary sense was not yet possible, because at that time they did not yet exist in the Third Reich. That the defendant in both cases nevertheless expressed at once that under no circumstances did he wish to prove his entry or admission into the SS or the Party by accepting this investiture intended by HITLER as a mark of honor, has been proved by the Affidavit of the defendant.

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Moreover, he never took the oath required to become a member of the SS; he never exercised even the slightest activity in the SS and wore the SS uniform only twice in his life at HITLER's explicit request. This has also been confirmed by his Affidavit. Both cases actually concerned a personal sacrifice of the defendant made to the promise which he had made to HINDENBURG. If the Prosecution consequently believes it must infer a National Socialist conviction, the defendant's agreement with HITLER's ideas and his entire governmental system from both these events, it is altogether off the track. And the conferring of the Order of the Eagle supports the Prosecution's assertion even less. For this Order was not conferred on him as well as on the defendant RIBBENTROP as a personal distinction for services rendered, but it was merely valid for the position of the Reich Minister of Foreign Affairs and for that of the Reich Protector as such; this was done in order to give this Order, which was intended to be conferred on foreign personalities only, a special significance in the eyes of people abroad, which is even shown by the fact that it had to be returned when he left. The presentation of evidence, through the affidavits of all the witnesses examined in this connection, unequivocally resulted in the fact that the defendant's attitude towards the National Socialist system and its maxims was negative from the beginning to the end, and that therefore certain Party circles continually bore him ill-will and opposed him. For these circles knew quite well that the defendant von NEURATH, as

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For these circles knew exactly that the defendant v. NEURATH - as is proved by his own statement and by those of the witnesses Dr. Köpke and Dr. Diekhoff - energetically and successfully opposed to the last day, all attempts to introduce members of the Party as officials into the Ministry of Foreign Affairs, and in so doing open it up to Nazi influences; and that in spite of various intrigues he could not be dissuaded from definite peace polity. The defendant also took upon his own shoulders this enmity/and these intrignes from his inviolable sense of responsibility and his patriotism endeavouring only to steer German Foreign policy into those channels, which were alone the right ones according to his convictions, formed by long years of most successfull diplomatic activity. He was

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fully convinced that when he resigned his office it meant the collapse of the last bulwark against the infiltration of members of the Party and of the Nazi spirit into the Reich Ministry of Foreign Affairs; it also meant that the danger of the renunciation of the peace policy embod in him became threatening, as happened immediately on his resignation on 4 February 1938.

It was therefore for the defendant one of the most grievous, perhaps the most grievous disillusionment in his official life, when he was forced to recognize by HITLER's speech on the ominous day of 5 November 1937 that all his efforts, his entire struggle; all his personal sacrif; in the last 5 years appeared to be in vain, and his influence with HITLE was broken; that the latter had decided to abandon him and the policy of peace and agreement advocated by him, and, if the occasion arose, to make use of military means in order to carry out his more than Utopia plans and intentions set forth in this speech. The acknowledgment struc him like lightning from a clear sky, since up to then nothing had intimated that HITLER might no longer agree on the peace policy advocated by the defendant. The heart-attack which he had the next day may testify to the fact how seriously he felt his blow, which seemed to shatter all his hopes, all his efforts to protect Germany from the dangers of this foreign policy, the military entanglements and a possibl. if not probable catastrophe.

But from his consciousness of responsibility, his burning concern regarding the future of his people, before drawing

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upon himself the last self-evident consequences and resigning, he considered it his duty to try once again, by very detailed and serious conversations, to dissuade HITLER from persevering in his fatal plans and intentions. Yet, having to recognize from this conservation, that HITLER's decision was unalterable, he did not hesitate for one instant to tell HITLER that he had decided, under no circumstances to take part in this pernicious policy and that for such a foreign policy HITLER must find another Foreign Minister. HITLER accepted his resignation by his letter of 4 February 1938.

I ask you, Gentlemen, is there a more unequivocal and clearer proof, than this resignation, for the absolute inaccuracy, the entire instability of the charges made against my client at this trial of having assisted or wished to assist by his foreign policy, in the planning and the preparation of wars of aggression which took place 1½ years later? Is there a more unequivocal and clearer proof of the absurdity of the application of the principles of Conspiracy to the acts and deeds of statesmen and in particular of the defendant? Finally, is there a more unequivocal an clearer proof of the absurdity of a retrospective judgment of the policy of States, such as they constitute here one of the main bases of the whole Prosecution?

You all, Gentlemen, who are here to do justice, know from your own activity and experience at least as well as I do, how

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dangerous conclusions a posteriori are regarding the actions of a man, regarding the thoughts, views and deeds of this man at a time going back several years. Tempora mutantur et nos in illis. Each of us has surely, more than once in his life, experienced the truth of this sentence. Convictions and views, intentions and resolutions, which we have held and carried out at a certain time, have in the course of years become changed and altered, partly because of the transformation of one's own personality, partly because of exterior circumstances, of change of conditions. Does one really wish to expound this thesis and draw conclusions retrospectively, that the former views, assertions and actions were only camouflage, and that the person already intended to do and was determined to do, what he did years later under quite different circumstances? Why should you demand a different standard of a polititian, a statesman, he also is only a man and is subject to the same changes of ideas, opinions and intentions, as any one else. He is even more subject to exterior influences, exterior conditions so certain imponderable circumstances than the ordinary man. Just one example for this: What would you say to a man who would earnestly dare to Assert that NAPOLEON BONAPARTE, when he went to Paris during the great Revolution, or later on when taking over the supreme command of the French armies in Northern Italy, already had the idea or even the plan or the intention, of making himself in 1804 Emperor of the French and of marching on Moscow in 1812?

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I believe whoever adopted this attitude would stand alone in the world. And an able dealectician with more or less apparent logic and right could still base this opinion on the historical development of events, like the Prosecution with regard to their opinion that HITLER, at the time of his assumption of power, yes already with the presentation of the Party program in 1920, had not only the intention but even the plan ready for conducting his later wars of aggression, and everything which HITLER and the Nazis and/or his collaborators did, from the moment of the assumption of power, both in domestic and foreign politics, was the conscious preparation of for these wars of aggression.--

Your Honors, I believe whoever follows the Prosecution and its principle, which still stands on a very weak basis, and its retrospective consideration of things, esteems too highly probably not only the spiritual, but also the statesmanlike abilities, not only of his satellites, but also of HITLER himself. Because, after all, it is in any case already evidence of a certain mental limitation, if a person and particularly a statesman founds his policy on the basis, as HITLER indisputably did, that the governments and statesmen of the remaining States would again and again let themselves be fooled and bluffed, that they would again and again stand for actions which they considered to be violations of treaties, and that they would watch quietly until HITLER believed himself to be so far as to be able now to attack almost the whole world by force of arms. And is it not all the more proof of a mental limitation, if a statesman in this way underestimates the abilities and cleverness, but also the

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power instruments of his opponents as HITLER has done? In addition to all this, however, there is something which must not be underestimated either; that is the violence of the sudden transition of the thoughts and the decisions resulting therefrom which was a trait of HITLER. I do not consider it necessary to have to give you any further evidence thereof, they are generally well-known. HITLER, however, was also a man who did not stand for any argument, or any resistance, and who, when he encountered such and met obstacles which he could not remove through an emphatic word, changed his plans and intentions like lightning and let himself be led to decisions which were frequently just the opposite from what he had wanted, planned and done previously.

All this speaks against the intention of the planning and the preparation of wars at the time of the seizure of power, and even already in previous years which the Prosecution has ascribed to HITLER. The impossibility of this charge is yet underlined, if the following is considered: To this HITLER has not only indisputably testified in public speeches, addresses and diplomatic notes on several occasions from the day of the seizure of power until 1937, as can be seen from documents presented by me, but he has also made positive suggestions for the practical execution of the limitation of armament of all States, therefore also that of Germany, from which it can be indisputably seen, that with regard to the German Armed Forces and its strength in relationship to the armament of the Western Powers, he declared himself satisfied with a relationship, which from the very beginning excluded any aggressive war against the other States. And

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now just suppose that one of these offers of Hitler had been accepted by the remaining States, then the war of aggression which Hitler supposedly had been planning and preparing for years would never have been possible. All efforts, work, and expenses in connection with it would have been in vain. Or do you perhaps consider it probable that Hitler looked ahead and figured that his offers would be refused, and that he only made them in this realization? Then he would really be an almost demoniacal genius, a prophetic seer of the first rank. Do you really wish to presume this and to affirm from it the claim of the Prosecution of the planning of the aggressive war in the year 1939 already a long time before the seizure of power? And even if you should answer this question in the affirmative for the person of Hitler, do you also ascribe such a gift of second sight to his collaborators, his servants, yes even all Party members? To ask this question is to answer it in the negative. With this question alone also falls the whole painfully constructed and artificial construction of the motivation of the Prosecution. And along with it falls also the classification of the whole charge, and in particular the co-responsibility of all collaborators of Hitler generally under the conception of the conspiracy, at least until the period of time when it could be recognized by the most extensive circles of his followers, that Hitler finally wanted war and had decided on it. Simultaneously with this, however, the unvarying correctness of the postulate advanced by me at the beginning of my statements, after examining the subjective co-guilt of every single defendant, after the refusal of the co-responsibility of each individual only from the fact of his participation in the actions which are considered as preparation for a war of aggression by the Prosecution at any period of time, simply without examination and investigation of his knowledge of Hitler's aims and intentions, becomes evident.

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To waive and disregard this postulate, as the Prosecution does, would be to contradict every sense of justice, the most primitive as well the most highly developed, in every nation on earth. The "summum jus" sought in thi trial would become a "summa injuria".

The best evidence of the truth of this assertion is personified by the defendant von NEURATH himself. Is it not pure folly, is it not "summa injuria" to accuse this man of connivence in planning and preparing wars of aggression; this man who deemed it his exclusive duty, a duty to which he has made many a personal sacrifice, to prevent every form of entanglement involving war; and who, the moment he realized that the task was beyond him, forthwith resigned his function and demanded his dismissal The Prosecution obviously feel this themselves, otherwise they would not have brought, as evidence of the defendant's alleged joint culpability, hi presence at Hitler's conference on the 5 November 1937, wittingly omitting however, that it was this conference and Hitler's deviation from a peace to a war policy which determined the defendant to refuse further collabora and thereby make it clear that he has never concurred in the past and is n prepared to concur in the future in, or approve of, the planning, preparat or waging of a war of aggression. Thus, every charge of guilt made in the Indictment against defendant von Neurath is originally void, once and for For should he be further accused of

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having broken international treaties while responsible for the conduct of German foreign policy, it must be pointed out, in answer, that according to the clear wording of the Charter, the breach of international treaties does not constitute a punishable crime in itself, and becomes a punishable crime only when it serves the purpose of preparation for wars of aggression. If such a breach of treaty serves this purpose, it must be intended to do so by its author, or at least its author must have conscience of the fact. That defendant v. Neurath had no such intention nor indeed the faintest conscience of the above implication is quite clearly proved by his resignation from the office of Foreign Minister. But I shall moreover demonstrate to you that even the charge of violation or breach of international treaties is without foundation.

When, on the 2 June 1932, defendant von Neurath took over the Foreign Office at Hindenburg's request, there were two questions that far surpassed in importance every other European problem and awaited an urgent solution: they were the problem of the German Reparations and the problem of the disarmament of the victor Powers and of German equality of rights, inseparable from it. The first question, the defendant and the then Reich Chancellor von Papen managed to conduct towards a satisfactory solution at the Conference held by the Powers in Lausanne on the 10 June 1932, a few days after the defendant's assumption of office. At the closing session of the Conference on the 9 July 1932, Germany was acquitted of the financial servitude established by the Treaty of Versailles against a single final payment of 3 milliard marks. The Young Plan was obsolete, and only Germany's obligations deriving from the loans granted her remained in force. Thus came for Germany the political achievement that Part VIII of the Treaty of Versailles in which the Reparation obligations were contained in virtue of article 232, became obsolete.

The first breach was made. Matters differed as regards the disarmament problem. This arose from the obligation for disarmament imposed on Germany according to part V of the Treaty of Versailles which, I presume, is well known. In case of its fulfilment, the preamble to this part likewise prescribed disarmament for the highly-armed victor nations in reciprocity. Germany had disarmed; it had already fully met its obligations in 1927, an uncontested fact which the League of Nations also had expressly recognized. This was the basis for Germany's request for reciprocal compliance by the other partners to the Treaty, as provided in the Preamble to Part V. And Germany had announced its request for disarmament by the highly-armed States and in conjunction therewith recognition of her equality of rights a considerable time before the defendant took office. However, during the so-called Disarmament Conference the negotiations not only had made no progress by the time the defendant took over the Foreign Office, but just at that time, the summer of 1932, they had become considerably more difficult. In view of the short time allotted for my disposal, I again refer for details to the German Memorandum of 29 August 1932 (my document book II, No.40) and to my client's interview of 6 September 1932 with a representative of the Wolff Telegraph Office, to be found in the same document book under No 41. Lastly, I should like to refer

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to the defendant's declaration of 30 September 1932 before the German Press, submitted to the Tribunal under No. #5, my document book II. These declarations, — all of which were made preparatory to the resumption of negotiations by the Disarmament Conference on 16 October 1932, and in order to demonstrate the seriousness of the situation to the world and to the Western Powers, prove clearly and unequivocally the great, fundamental tendency of the defendant's ideas, his trend of thought and the intentions as a human being, as a diplomat and as Foreign Minister which dominated his entire policy from the beginning until his resignation, and which can be summarized in the statement: to avoid and prevent the settling of differences through force of arms; to realize all goals and tasks of German Foreign Policy by peaceful means only; to reject war as a means of policy; in a word, to strengthen and safeguard peace among the nations. It is the same tendency which M. Francois Poncet, the former French Ambassador to Berlin - so succinctly referred to as a characteristic of the defendant in his letter which I submitted to the Tribunal as per No. 162 of my document book V - and which was unanimously confirmed by all witnesses and affidavits. While the opening of negotiations at the Disarmament Conference expressed what really might be termed an affront to Germany which caused the head of the German Delegation to declare that under such conditions it would not be possible for him to continue to attend the negotiations, — the Western Powers in the end could not close their minds to the ethics of a policy inspired by such tendencies and, following a suggestion

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by the British Government, on 11 December 1932 the conclusion of the known Five-Power Agreement was brought about (see my document book II, No. 47 a) in which England, France and Italy, with the admission of the United States o America, recognized Germany's equality of rights. On 14 December 1932 the Main Committee of the Disarmament Conference expressed its pleasure in taking cognizance of this agreement and the German Delegate expressed his readiness to resume participation in the deliberations of the conference, stressing also that t equality recognized on 11 December 1932 in regard to Germany was the condit sine qua non for this continued participation by Germany. It seemed that a great step forward had thus been made in the path leading to an understandi on the question of disarmament.

However, things were to take a different turn: Immediately following the opening of the conference meeting again in Geneva on 2 February 1933, serious clashes occurred between the German and the French Delegation, in th course of which M. Paul Boncour, the French Delegate, even went so far as t the Five Power Agreement of 11 December 1932 legally invalid because it involved five powers only. To the astonishment not only of Germany, the caus for these increasingly acute differences was the fundamental change in Franc attitude as regards the basic question of the entire armaments problem as la down in the French Plan of 14 November 1932 as a basis for these negotiatio Contrary to the stipulations of the Treaty of Versailles and its own attitu heretofore, France suddenly took the position in this plan that armies made of professional soldiers with a long period of service

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were aggressive in character and, consequently, meant a threat to peace and that only armies with a short period of service were defensive in character. I regret that for lack of time I must desist not only from reverting at greater length to the details of the French plan but also to the sequence of the differences which became constantly more critical between Germany and the other Powers. Rather must I presume that they are known and confine myself to stressing that the new French thesis, which the Disarmament Conference adopted as its own, was clearly and unequivocally directed against Germany and the Reichswehr as it had come into being in accordance with the disarmament provisions of the Treaty of Versailles, a thesis which if it was to be carried into effect would have required the transformation of the Reichswehr into a militia army with a short period of service, thus signifying a still further reduction in its armament, inadequate as it already was for an effective protection against attack. The establishment of this thesis, however, also proved clearly that France was unwilling to disarm, which was also shown by the statements of the French representative himself. This new plan of France, just as also her attitude particularly in the question of the ratio in the reciprocal reduction of the individual armies, was merely a new expression of her old thesis: first security, then disarmament, which brought about the failure of not only the previous negotiations but also that of a new plan of mediation the so-called Mac Donald plan, proposed by England to prevent the threatening break-down of negotiation. Germany's reference to consideration for her own security and her demand for general disarmament as a result of the right to equality by reason of recognition accorded her on 11 December 1932, were received by the other parties as presumptive; indication being given that should negotiations fail, responsibility would rest with her.-

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In the interest of the clarification of these things and of the presentation of the increasing gravity of the whole situation before world publicity, my client felt it necessary to publish in the well known Geneva periodical "Voelkerbund" on 11 May 1933 - Document Book II No 51 - an article in which he dicussed the result which the conference had so far achieved, described the German attitude in detail andfinally established that the German demand for the practical realization of the equality of rights of Germany by disarmament of the havily armed countries was wrecked by the lack of will of these countries to disarm, and that therefore Germany in the interest of her own security was forced to start completing her armament, should the general limitation and disarmament within the frame work of the English Mac DONALD plan not satisfy her justified demands for security.

This conclusion was wholly justified in view of the entire foreign political situation at that time. These aggravated events which had intensified the crisis at the Disarmament Conference were only a small part, so to speak, of the expression of the international tension which prevailed since HITLER's assumption of power. Domestic events occuring in Germany were first observed abroad with astonishment but also with a certain lack of comprehension. Soon after HITLER had assumed power on 30 January 1933, an opinion was formed abroad - the discussion of which would lead too far here

about the so-called German Rvolution, which made it appear a European danger not only in France and in her allied countries, but also in England
The fear of such a danger affected the attitude of the Western Powers at the Disarmament Conference to an ever increasing degree, where Germany's completely logical and consistent point of view was regarded as provocation. But these worries of theirs, their insecurity in face of the new Germany, led to even much more extensive measures and threats. With England's consent France began military preparations in the first days of May 1933, placing the border fortifications, which had already been provided with increased garrisons during the winter in a state of alarm, alerting the large camps in Lorraine, the deployment area of her army of the Rhine, and carrying out a large trial mobilization between Belfort, Muehlhausen and St. Ludwig, at which the Chief of the French General Staff, General WEYGAND, appeared in person, and at the same time the French Foreign Minister Paul BONCOUR ostentatiously declared in his speech on 12 May 1933 before the French Senate that, in view of the revolutionary explosions in Germany, Italy would have to be kept firmly among the group of Western Powers; and, in response to Germany's attitude at the Disarmament Conference, he added that Germany must adhere strictly to the Treaty of Versailles, if she wanted to keep the Reichswehr. And these words of the French Minister, which could only be understood as a threat, were still further emphasized and confirmed by similar statements of the British

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War Minister HAILSHAM and the otherwise so pacifist minded Lord CECIL, in the English House of Commons; the latter even encouraged France to carry out further military operations. The situation was so strained that Europe seemed to be standing directly on the brink of a new war.

This increasing gravity of the situation, this obvious crisis which was leading Europe close to disaster is one of the basic reasons for the entire subsequent policy of the defendant von NEURATH during the following years. Therefore, the question must be examined as briefly as possible, to see what consequences it was bound to have, and did have, for German foreign policy, from a German point of view. One thing is undeniably clear: In this spring of 1933 Germany was in no condition whatsoever to fight a war; it would have been complete madness, a sheer desire for self-destruction, to fight a war against the armies of France and her allies, which counted millions of men and were excellently equipped with the latest weapons of attack, with the small Reichswehr of one hundred thousand men which had at its disposal no motorized weapons of attack whatsoever, no tanks, no heavy artillery, no military airplanes. Fear of an imminent warlike attack from the part of Germany could, therefore, from the point of view of the Western Powers, under no circumstances be the reason for their position and attitude. The one plausible reason could lie only in the attitude of the Western Powers in regard to the question of disarmament as such, that is, in their unwillingness to carry it out, to continue to discriminate against Germany, to continue to refuse her the realization of her equality of rights and to continue to keep her down.

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In this alone, for the leader of German foreign policy, lay the reason for the final proposals of France as well as England in the Disarmament Conference, which were unacceptable to Germany for reasons of justice as well as for reasons of her own security and her national honor. Because even in spite of Germany's equality, which was recognized by the Western Powers, in the Five-Power-Declaration, the French plan of 14 November 1932 as well as also the English plan of 16 March 1933, the Mac DONALD plan and the resolutions of the Disarmament Conference included therein, lacked any practical realisation of equality, even from the most objective standpoint.

What justly and objectively thinking person can and wishes to reproach the German State leadership, if it drew the conclusions from all this, and recognized, that this behavior of the Western powers contained not only a violation of existing treaties, and also of the Treaty of Versailles with regard to disarmament, but also the will of the Western powers to prevent Germany from maintaining her demands, justified by treaty, by force of arms if necessary, and furthermore to keep her as a second-rate State, and also to refuse her the security guaranteed to her also in the Treaty of Versailles. Can you, your Honors reproach a State leadership which was aware of its responsibility towards its people, if this realization from now on had to be decisive for the continued direction of foreign policy? Because the highest duty of every State leadership which is aware of its responsibility in foreign policy, is the securing and maintenance of the existence and the independence of its State, the regaining of

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respected and free position in the Council of Nations. A statesman who neglects this duty sins against his own people. This realization should carry all the more weight because on the part of Germany nothing had happened which might have been interpreted as a threat against the Western Powers. On the contrary HITLER, in his first program speech in a Reichstag still elected in accordance with Democratic principles, had emphatically declared on 23 March 1933, punctuated by unanimous applause, his will for peace, particularly emphasizing this with regard to France, and confessed himself prepared for peaceful collaboration with the remaining nations of the earth, but emphasized also that as the pre-requisite for this he considered the final removal of the discrimination again Germany, the division of the nations into victors and vanquished to be necessa To these declarations of his, however, not the slightest attention was paid by the Western Powers although they corresponded throughout with the given conditions and contained no a threat. Unfortunately they were unable to effect a change in the attitude of the Western Powers, and to prevent an acceleration of the crisis.

A discernible relaxation only then took place when HITLER, under the influence of the defendant von NEURATH, at the climax of the crisis, repeated once more to the world with the greatest emphasis his and the German people's will for peace in his great so-called peace-address before the Reichstag on 17 May 1933 - it is in excerpt form in my Document Book II No. 52 - and expressed his conviction, that, as he declared literally, no new European war would be in the position to replace

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the unsatisfactory conditions of today by something better; the breaking out of such an insanity, as he described the war, would be bound to lead to the collapse of the present social and State order.

This speech of HITLER, whose honesty and sincerity cannot be denied according to the evidence, and whose power of conviction also proved irresistible to the Western Powers, effected a general relaxation of the situation, the danger of a new international war was averted, and the world took a deep breath. This, however, also marked the end of the isolation and the loneliness of Germany, which caused her inner change and every kind of revolution, and German foreign policy took the opportunity gladly and with sincere will for active collaboration in the political state gamble, which was offered to her by the suggestion of MUSSOLINI to unite the great Powers, England, France, Italy and Germany in a so-called Four Power Pact. This treaty, which was signed on 8 June 1933 in Rome and which was signed in the middle of June 1933 also by Germany, and which in its preamble also referred expressly to the Five-Power Agreement of 11 December 1932, was to place the participating Powers in such a position, that, if further negotiations in a larger circle, as for example in the Disarmament Conference should reach a stalemate, they could meet at a smaller conference table. - For Germany the main motive lay in the fact that she again became an active member in the totality of European policy in which she was participating as a partner with equal rights in an international agreement, which contrasted the discrimination against Germany in its contents as well as in its character. -

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As a matter of fact, this part was concluded at a time when a new international tension was already arising and increasing which again threatened to isolate Germany's position. This time it had its cource not so much in the Disarmament Conference, the proceedings of which, after the customary fruitless endeavors for progress, were again suspended on 29 June 1933 until 16 October 1933, as in the contrasting position of Germany and Austria in the World Economic Conference which opened in London on 12 June 1933. The Austrian Prime Minister DOLLFUSS made use of this conference to call the attention of the Powers to a purported threat to Austria's independence by Germany, in that he accused Germany of lending support to the Austrian National Socialists in their fight against his (Dollfuss') Government. Making the Austrian question the center of gravity for European policy and calling on the Powers for protection against alleged threat to Austria's independence by Germany - which the former considered an important stone in the construction of European power relations, - he aggravated their mood anew, which had been quieted down only a short time before with some trouble. What the mood was then in the summer of 1933 is shown in my document book I, under Nos. 11 and 12, reports of the defendant to Reich President von HINDENBUR(and HITLER, dated 19 June 1933; but reference is also made to the speech by the defendant on 15 September 1933 - document book II No. 56 - before representatives of the foreign press, which also comments on the consequences of such a mood for the prospects of the proposed negotiations to be resumed by the Disarmament Conference on 16 October 1933

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and which is reflected in his words: "Judging by certain indications, the readiness of highly armed States to carry out disarmament obligations for which they pledged themselves seems to be smaller today than ever. Finally, there is only one alternative: Realization of the right to equality or else a collapse of the entire idea of disarmament, with incalculable consequences, for which responsibility would not rest on Germany".

This scepticism of the defendant as regards the political situation in general, and prospects of the Disarmament Conference in particular, war only too well founded. For the new so-called Simon Plan - submitted even before the Conference started by Sir John Simon, head of the English Delegation, as a basis for negotiations - and to a no less degree the statement relative thereto made by Sir John, made it clear beyond doubt that the attitude of the Western Powers still continued to be the same as in the spring of 1933 and that they were even still less disposed to justify Germany's demand for an equality of rights. For Sir John declared in plain language that in view of the present non-clarified conditions in Europe, and considering the seriously shaken confidence in peace, a disarmament conference, even after the pattern of the Mac Donald Plan which Germany in the spring had declared unacceptable, is an impossibility. This not only meant bringing an unjustified accusation against Germany - which had done no more but stand on the rights accorded it by treaty - but it also was a clear denial of any kind of realization of Germany's equality of rights and of disarmament. As a matter of fact, this Simon Plan falls even farther short than previous plans in doing justice to Germany's rightful demand for equality of right and disarmament, that is, a voting

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on the armaments of all states among eachother including Germany. Time being too short, I once more have to refrain here from going into detail and must confine myself to pointing out that it meant an increased restriction and reduction of German armament in favor of the other nations. Because it provided that during the first half of the 8 years duration of the proposed disarmament - Germany alone, - through the conversion of its Reichswehr into an army with a brief period of service, - would as a practical matter be still further disarmed, subjecting herself, in addition, to an armament control by the Powers, while the highly-armed powers were not scheduled to begin disarming until the fifth year, and then only in terms of manpower reserve, not in terms of arms. These provisions demonstrated clearer than ever that not only did the Western Powers not intend to disarm, but that they wanted to weaken Germany still more and make her tractable to their power interests. There was no more mention made of the fact that the Five-Power-Agreement of 11 December 1932 had agreed to recognize Germany's equality of rights.

It really should have been clear to the Western Powers as well that such a plan depriving her of a chance to participate in further negotiations at the Conference was bound to be unacceptable to Germany from the outset. However, on the strength of the lessons which German foreign policy learned in the spring of 1933 - when Germany came very near having the Western powers threaten her with war because she was unwilling to renounce her just demands, - nothing was left to her this time but to answer the new threat which this plan undoubtedly involved

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not only by rejecting the plan but also be withdrawing from the Disarmame Conference as well as the League of Nations. Further negotiations during the conference under such conditions were doomed and could only result i a still greater heightening of contrasts.

It is difficult to understand why the Western Powers failed to foresee Germany's attitude and took her withdrawal from the League of Na and the Disarmament Conference as a surprise. In HITLER's speech, an appeal for peace, delivered on 17 May 1933 and already cited here, he expressed in unequivocal terms that notwithstanding the sincere will for peace and honest willingness towards still further disarmament - provided it were mutual - entertained by the German Government and the German peop they would never consent to further humiliation and to renunciation of i claim for equality of rights that, if such was the demand, they rather assume the consequences without hesitation. Still more incompreh sible is the fact that in all earnestness the Prosecution places the bla for this withdrawal by Germany on the defendant von NEURATH, as head of Foreign Policy, and that it believes it can find evidence of deliberate action by him in preparation for future wars of aggression. This can onl be explained by the fact that the Prosecution preseves a complete silence on the reasons and happenings which led up to this withdrawal, and there tries to create the impression that Germany's withdrawal occurred entirel without cause. The extent to which the Prosecution's attempt to inter- pret the withdrawal as an action in preparation for war is contrary to objective

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history becomes clearly apparent from the fact, - which the Prosecution also passed over in silence,--that concurrent with its declarati n of withdrawal the German Government, through HITLER's speech of 14 October 19 as well as also through the speech of the defendant von NEURATH of 18 Oct ber 1933 (document book II, Nos. 58a and 59) not only declared with all possible emphasis its unchanging desire for peace and readiness to negotia te in the case of any disarmament plan which would consider Germany's equality of rights, but also tried to carry into practice this willing- ness to negotiate by submitting on her part practical proposals for gener disarmament, as set forth in the memorandum prepared by my client and submitted to the Powers on 18 December 1933 (document book II, No. 61). The interview granted by the defendant to the representative of the New York Times in Berlin (interview document book II, No.62) is an express of the same wish. A government or a foreign minister who intends to pre- pare, or even plan, an aggressive war is hardly likely to make proposals for limiting, or even still further reducing, the armament of countries, including his own.--.

Diplomatic negotiations between Germany and the individual Wester Powers which followed the memorandum of 18 December 1933 ended, as I may presume to be well known, with the Note of the French Government to the English Government of 17 April 1934 - (document book III, No.70), which closes the door to further negotiations as proposed in an English memorandum of 29 January 1934 as well as another memorandum of the Germa Government of 13 March 1934.

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as this was fully stated in the speech of the defendant von NEURATH on 27 April 1934 - Document book III No. 70.

The fact which appeared in the preceeding discussions is interesting and must be emphasized here, that in the course of the same an indisputable change was shown in relations between France and Russia, the further development of which became more or less authorative, not only for the German foreign policy, but also for the entire European policy in the coming years. The Russian representative in his speech to the Office of the Disarmament Conference on 10 April 1934 took the stand, contrary to the point of view always previously represented by Russia, that the task of the Disarmament Conference is to decide on a most wide-reaching reduction of armaments, as through this security will be best provided for, and the non-success of their disarmament efforts, but did not, however, draw the conclusion therefrom that the Conference had failed, but on the contrary defined the creation of new security instruments of International Law as the sole task of the Disarmament Conference, a point of view which was underlined further by the Russian Foreign Minister LITVINOW on 29 April 1934. With this thesis Russia had made the point of view of France her own: First security, then disarmament; but beyond that the door is opened to the increased disarmament exertions of all the nations. It becomes evident immediately of what far-reaching importance this fact was, if I refer to the French-Russian Assistance Pact which was signed 1 year later

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which induced the withdrawal of German armed sovereignty occasioned by this and by the increase in armament of all the remaining States. A direct route leads from this declaration of the Russian Foreign Minister via the expletive negotiations in the summer of 1934 regarding the project of the so-called Eastern Pact to the Franco-Russian Assistance Pact of 2 May 1935 and the Russo-Czech-Slwak Assistance Pact of 16 May 1935.

The French Note of 17 April 1934 with its categorical "No", signified the closure of an epoch and the beginning of a new one in international policy. France finally gave to understand that she was no longer willi to carry on with a general agreement between all States aiming at a solution of the questions of disarmament and security, but decided to go her own way from now on. The reason for this lay, obviously in the fact that she recognized or thought she had recognized that the most important of the participating Powers, England and Italy, were not prepared to follow her unconditionally any more, and to continue to refuse Germany the equality of rights theoretically granted her on 11 December 1932. This was expressed through the far reaching approximation of the English and Italian points of view in the English Memorandum of 29 January 1934 and in the declaration of MUSSOLINI to the English Minister EDEN on 26 February 1934, which dealt with the clearly outlined German point of view in the Memorandum of 13 March and 16 April 1934. Similar tendency was shown in the Memorandum of the so-called Neutral Powers, namely Denmark, Spain, Norway, Sweden and Switzerland

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of 14 April 1934, but also, above all, the speech of the Belgian Minister President Count BROQUEVILLE of 6 March 1934 (Document Book III No 66) showed the same tendency.

With this note of 17 April 1934, to which the defendant von NEURATH referred in his speach of 27 April 1934 - Document Book III No 74 - before the German Press explained his attitude thoroughly and convincingly, France, as was soon too apparent, finally abandoned the basis and the principles of the Versailles Treaty, the preamble to part V of which has fixed in unmistakable manner the general disarmament of all States of the League of Nations as the basis and the counter-obligation for the disarmament of Germany. The new French policy set up immediately after the note of 17 April 1934 let it soon be known that it had decided to do exactly the opposite of the basic idea of the Versaille Treaty regarding German disarmament.-

The French Foreign Minister Louis BARTHOU began on 20 April 1934 his journey eastwards, which took him to Warsaw and Prague and first of all, as it soon transpired, tried to prepare the ground for the resumption of diplomatic relations between the States of the so-called Little Entente with Russia, which so far did not exist, and thus prepare the way for the inclusion of the greatest military power of Europe in European politics on the side of France, This succeeded. Czecho-Slovakia and Rumania, the most important States of the Little Entente, recognised the Russian Government on 9 June 1934 and renewed diplomatic relations with it.

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In this way France had made the first breach in the ideological and psychological aversion of the European States against the Soviet Russia of that time, and the French Minister for Foreign Affairs on his second journey to the East, could now not only win the consent of all States of the Little Entente to the so-called Eastern Pact which had long ago been negotiated with Russia, but could subsequently place it openly on the agenda of international policy in London in the beginning of July. With this – as the Czechoslovak Minister for Foreign Affairs BENESCH justly stated in his speech of 2 July 1934 – Document Book III No. 81 – a regrouping of the European Powers which appeared capable of overthrowing to a certain extent all former relations on the Continent was announced in advance.

England, which already on 18 May 1934 had stated through the mouth of Stanley BALDWIN, who at that time was Lord President of the Council, before the House of Commons, that in view of the question a system of so-called collective-peace, which of necessity would have to contain the need for sanctions, she stood before one of the most difficult decisions in her history, – he coined the phrase: Sanctions are war – gave his agreement in the beginning of July 1934 on the occasion of the visit of Barthou to London, not only to the Eastern Pact but in addition also to the entry of the Soviet-Union into the League of Nations, which had been suggested by France. On 18 December 1934 the League of Nations officially resolved to accept Russia into the League. Thus France had for the most part already reached her goal, the inclusion of Russia, the strongest military power, into European politics, and indeed on her side as would shortly be shown.

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In spite of this advised change of European Power conditions, German foreign policy under the direction of the defendant not only continued unaltered and consequently its peaceful struggle for the practical recognition of German equality, even after the French note of 17 April 1934 which it considered disastrous, but also its policy of peace. In his speech of 27 April 1934 already previously quoted, my client has once again and unreservedly expressed the will of Germany, that she was also in future prepared for any sort of an understanding even at the price of further armament limitations by agreement, if this would correspond with her demand for equality. She did not, however, limit herself to this alone. In order to resume the international discussions and negotiations regarding the disarmament question, which had been interrupted by France's "No" of 17 April 19[illegible], HITLER had a meeting in Venice with MUSSOLINI in the middle of June 1934. The purpose and contents of this meeting were at that time summarized by MUSSOLINI with the words: "We have met in order to try to disperse the clouds which are darkening the political horizon of Europe". May I for the sake of prudence recall the fact that Italy at that time was still entirely on the side of the Western powers. Several days later HITLER used the opportunity to emphasize again his and Germany's unshakable wish for peace in his speech at the District Day("Gautag") in Gera on 17 June 1934, - Document Book III No. 80 - when he stated literally amongst other things: "If anyone tells us, if you National-Socialists wish equality for Germany, then we must increase our armaments, then we can only say, as far as we are concerned, you can do so, because after all we have

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no intention of attacking you. We just wish to be so strong that the others will have no wish to attack us. The more the world speaks of th formation of blocks, the clearer it becomes to us that we must concern ourselves with the maint-inan-e of our own power".

It was the same change of the power rel-tionships which was constantly taking more clearly defined shape, and the realization of political tendencies, which were the bases of the English air armament program which was announced before the House of Commons on 19 July 1934, and which the French Minister President Doumergue expressed in his speec of 13 October 1934 at the c-ffin of the assassinated Minister Louis Barthou with the words: "The weak nations are booty or a danger". No matter however how irrefutably correct this idea really was, it received, as far as the attitude of the Western Powers toward Germany was concerned, as little consideration as all attempts of German forei policy, to carry on the negotiations regarding the disarmament question and as the repeated declarations of Germany about her preparedness for understanding. Germany was denied now as before the recognition of her equality. This fact also made it impossible for German foreign policy, apart from the encirclement policy of France which became more discerni every day, to join the Eastern Pact. The reasons for this refutation of the Eastern Pact have been presented in detail in the communique of the German Government of 10 September 1934 - Document Book III No. 85. They culminate in the diagnosis that Germany, in view of her indisputab milit ry weakness and defeat, could not take on any treaty obligations towards the highly armed States,

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which might involve her in all possible conflicts in the East, and could make her a probable war theater. It was not the lack of preparedness to participate in international treaties or even a lack of a will for peace, which caused Germany to maintain this attitude, but first and foremost her notorious military weakness. In addition to this came the true character of France's policy which showed itself more and more, and that of the Eastern Pact as an instrument of the French policy of encirclement directed against Germany. This character became clear to all the world when, in the session of the Army Committee of the French Cabinet on 23 November 1934, the reporter Archimbaud described as an undeniable fact that a formal Entente existed between France and Russia, on the basis of which France would be prepared to furnish a considerable, well-equipped and well-trained army in the event of a conflict. - Document Book III No. 89. - This fact, however, was clearly and openly proved through the declaration of the French Minister for Foreign Affairs LAVAL of 20 January 1935 before a representative of the Russian newspaper Istvestja, in connection with the Franco-Russian Record of 5 December 1934 Document Book III No. 91 - and the interpretations of LITVINOV of 9 December 1934 given thereto. For those well-informed there could exist no further doubt of the existence of a close French alliance, even if the ratification of its final text only took place on 2 May 1935 and was then immediately followed by the ratification of the Russo-Czechoslovak Aggression-Pact of 16 May 1935.

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It was, of needs, forced upon the mind of every clear-thinking person that such a perfect system of French alliances bore a desperate likeness to the one which had opposed Germany once already, in the year 1914. This unvoluntary parallel was bound to make every German statesman draw the conclusion that those alliances could only be directed against Germany and constituted accordingly, in every case, a menace to her. And this so much the more as these alliances, this obvious encirclement of Germany were by no means the only alarming events. Coupled with it, a vast increase in military armaments of nearly all non-German countries had been carried out in the course of the last months. Not only had England begun to carry out her large-scale armament program, as shown by the British White Book of March 1st, 1935, the submitting of which does not seem necessary, it being an official document, but in France too the efforts to reinforce her army had begun, under the guidance of her, at that time, most popular general, Marshal Pétain, while in Russia an increase in the peacetime figure of her army from 600 000 to 940 000 men had taken place, under joyful acquiescence on the side of France. Czecho-Slovakia had introduced, in December 1934, a two years compulsory service- doc.book III Nr.92- and Italy also was continually increasing her armaments.-

After the bitter experiments of the latter years, all this was bound to be felt from the point of view of German politics- as I have shown you, my Lords- as nothing but a vast menace, and interpreted accordingly, a menace which left Germany all but defenceless.

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A foreign policy, conscious of its responsibility, had, reckon at each moment with the danger that such a concentrated and continually increasing power of France and her allies could fall upon Germany and crush her. For nothing is more dangerous than a concentration of power in one hand, it is bound, according to old experience, to lead some day to an explosion, if not counter-balanced by some other power, and this explosion is then directed towards the country nearest-at-hand considered as an enemy. This latter was and could be only Germany, as only this country was considered by France as a foe, no other country in the world besides her. And now I beg leave to ask you, my Lords, whether it was not an obvious command of self-defence, an obvious demand of the most primitive instinct for self-preservation of any living being- and the nations too are living entities, they too possess such an instinct for self-preservation - that now the German government and the German people took back the military sovereignty which had constantly been denied it, and tried to take measures of security against the menace pending upon Germany, by organizing a military aviation and by establishing a peacetime army of only 36 divisions on the basis of compulsory military service. I refer to the proclamation of the German Reich government concerning the restoration of German compulsory service of March 16th, 1935 - doc.book II nr. 97-.

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However, Germany had waited herewith, in view of the negociations concerning a general agreement on disarmament, which had started again with the so-called London communiqué of February 3rd, 1935 of the British Government and in which the German foreign policy, faithful to its readiness for peace which it had constantly proven, had at once consented to participate, and it was ready to wait even longer, until one could see whether or not these new negociations promised to succeed, when suddenly, before even the negociations had actually begun, the French government submitted, on March 1st 1935, a new defence bill concerning prolongation of military service, and the British government published at about the same time its afore-mentioned White Book. In view of both these documents, the German government could not do otherwise but take the measures mentioned before, if it did not want to become a traitor to its own people.

The effect of these German measures on the Western powers was a different one. England and Italy, it is true, at once protested against them as an alleged unilateral cancellation of international treaties, but they did by no means cut the threads for further negociations. The British protest note contained the explicite inquiry whether the German government was ready to carry on further negociations of the kind and extent provided for in the London cummuniqué, an inquiry which the defendant von Neurath at once answered in the affirmative, by the German communiqué of March 18th 35 - doc.Book III No.98. And the then British foreign Secretary Eden went to Berlin at the end of March 1935 in order to hold conversations about the possibility of an agreement on the naval question.

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In this connection, I particularly want to refer to the deposition of the witness, ambassador Dr. Diekhoff, who has been examined here. France only consequently pursuing its attitude toward the League of Nations and the latter's exclusive legitimation for collective solution of the problems of disarmament and, therefore, of peace took the initiative to submit to the League of Nations, on March 20th, 1935, the measures taken by Germany, and to induce the League to establish a violation of the duty incumbing to all nations of carrying out assumed obligations. It goes without saying that the German government refused to accept, in a note of April 20th 1935, the renewed discrimination contained in this resolution of the League of Nations. However, the German foreign policy did not let itself be kept back by this resolution to continue trying very actively to establish an agreement with the Western powers, nor did the signature, on May 2nd, 1935, of the aforementioned Franco-Russian Assistance Pact and of the Russian-Czechoslovak Assistance Pact supplementing the former. On May 21st 1935, Hitler proclaimed in the German Reichstag a new peace program, in which he declared once more, and to the largest possible extent, his readiness - most strongly stressing his and the German people's will for peace - to participate in any system of collective cooperation, to secure European peace, and to re-enter the League of Nations, as well as to comply with any of such restrictions of the German Wehrmacht's armaments, which other countries also would adopt, provided the equality of rights for Germany was recognized.

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This speech of Hitler and the diplomatic discussions with other powers initiated at the same time had the promising result that between England and Germany the well-known naval convention of June 18th 1935 was agreed on, which established a fixed ratio of the respective naval forces.-

This German-English agreement is of the greatest importance in a double sense..On the one hand, from a political point of view, it signifies no less and no more than the implicit acknowledgment of German military sovereignty by England, a negation of the League of Nation's resolution and,at the same time, of the French point of view, and the acknowledgment and approval by England of the German act,which had been stigmatized by the League of Nations as a violation of treaties. For the first time, therfore, the equality of rights for Germany had been recognized not only de jure, but also de facto by one of the Western powers, and by one of the most important too. On the other hand, it proves, from the point of view of this trial, irrefutably that the prosecution's contention, that one had to see in Germany's rearmament an act of preparation of the future wars of agression of Hitler, is erroneous. On the contrary, this naval agreement shows clearly and unambiguously that the German foreign policy at that time, when still under guidance of my client, did not have any warlike intentions, much less plans, that the re-assumption of military sovereignty under no circumstances had any warlike purposes, but nothing but a decidedly defensive character.

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I may ask, which statesman who carries in his heart warlike intentions or plans would voluntarily consent to a restriction of his armament and, therefore, of a successful execution of his designs and plans, and, moreover, to an extent as provided by the naval agreement? Even the most malevolent mind cannot earnestly contend that the naval power allowed to Germany by this agreement would have been in the least sufficient for a war of aggression: that has been unobjectionably established by the evidence of this trial. Hitler himself had by this agreement robbed himself of the possibility of creating a navy which would have been able to wage a war of aggression. It is clear that any transgression worth mentioning of the agreed ratio of the two navies, which, as things were, could under no circumstances and by no means have been kept secret, would beyond doubt either have induced England to increase her own navy accordingly, or would have caused her to obstruct this German intention, and this could have been done any time. From whatever point of view one may look at this naval agreement, the fact that it was and is an irrefragable proof of the absolute honesty and sincerity of the repeated declarations of Germany's will for peace, an unreversible proof against the presence of any, even the most secret warlike designs or plans of German foreign policy and, therefore, of its leader, the defendant v. Neurath, is not to be shaken.

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In France this Naval Agreement met with general oppositon. It was regarded as an arbitrary act of England, a departing from the common line that was still kept to in the resolution of the League of Nations, and that was bound to interfere with the French plans. So France was very reluctant and reserved with regard to the negotiations started by Britain for the conclusion of a general air-pact negotiations, which ran parallel with the negotiations about the Naval Agreement. Hitler's speech of 21st May 1935 had also been conusctive for these negotiations. Because in this speech, Hitler, referring to the London report, held out his hand for an agreement on limiting of air armaments. And the German government themselves, taking up the English suggestion, presented a project for such an air pact on 29th May 1935. Negotiations lasting for nearly 3 months between the English and French governments were necessary before England succeeded to induce France to agree to participate even in these negotiations. This consent, however, was in reality no consent at all because, among other things, it was tied to the condition that the realization of this air pact must keep pace with the negotiations about the East-pact. As this pact, however, had then to be rejected by Germany for reasons of own security, as already mentioned, it was clear that the French condition in reality blocked the way to successful negotiations from the start. When, at the beginning of the Sowjet Union sponsored Komintern congress, on 25th July 1935 it became unequivocally clear that the Komintern's aim was the world-revolution, Germany's opposition - as will be understood - stiffened.

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It could not surprise that the defendant von Neurath on the 16th September 1935 communicated to the English Ambassador, that the German foreign policy did not consider opportune an answer to the memorandum of the British Government of 5th August 1935, which demanded answers to a number of questions of France, that were hardly connected with the air-pact. Besides the Italy-Abyssinia conflict had already thrown its shadow ahead, whereby alone the further negotiations about the air-pact were suspended. How could a political agreement between the five powers of the Pact of Locarno be possible, and German foreign policy very reasonably pointed to the fact, if the collaboration of these powers was in dissolution and individual powers of this pact were facing each other in military readiness. On 7th September 1935, as it is known, the English home-fleet set out for the Mediterranean, and negotiations between England and France about the application of sanctions against Italy were in full swing. On 3rd October 1935 war broke out between Italy and Abyssinia.

The German foreign policy succeeded in keeping out of the now following events in Africa and the efforts of the powers to apply sanctions against Italy. But nevertheless the events that followed became important for the German foreign policy; because it was these events and specially the question of sanctions which prepared a new constellation of powers, which on one hand led to a closer union of England and France and the point of view taken up by her and which, on the other hand, brought Germany, who was again defamed by the resolution of the League of Nations of 17th April 35, naturally closer together with Italy who was defamed by the sanctions being taken against her.

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The consequence of these sanctions was at the same time logically the dissolution of the Pact of Locarno, because it was not possible to consider a pact, as being still legally in existence if its participants were opposed to one another in so hostile a way, that the danger of war-like actions was present at any moment.

The efforts of the French government, already begun with its note of 10th September 35, to draw also England into the net of its pacts and their obligations, clearly showed the tendency of French policy, and unevitably confirmed German statesmen in their conviction that France consistently followed only its policy of encirclement which was felt as menace to Germany. However Germany's leaders and the defendant v. Neurath still hesitated to draw the last conclusions from this and from taking the absolutely necessary step for Germany's most primitive security. German foreign policy still kept hoping, in its unshakable desire for peace and readiness to negotiate, that an agreement could be reached, that France would abandon its course, and that a really honest and sincere understanding with France could be reached. This hope,however,was soon found to be a delusion. On 16th January 1936, French Foreign Minister Laval announced that, after his return from Geneva in the beginning of February, he would present for ratification to the French parliament the pact of assistance concluded with Russia. And at about the same time the defendant von Neurath heard from reliable sources that the French General Staff had worked out military plans for an attack on Germany,

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providing for the advance of French troops from the Rhineland and following along the line of the river Main so as to join hands via Czechoslovakia with the Russian armies. Hereby the offensive character of the Franco-Russian pact was proved even to the most naive. There was all the less ground for doubt, if one took into consideration the negotiations that took place inside and outside the French chamber before the pact's ratification. For even in France, resistance to this pact, specifically on account of its offensive character, was not small. The French veterans of the 1st world war headed the opposition: The Union Nationale des Combattants declared, in a resolution of 8th February 1936, that this pact contained more certainties of war than possibilities of peace. And the speech of deputy Montigny, in the French chamber on 13 February 1936, was a single flaming protest. It is contained in my document book IV No 107. The pact opened even further, so Montigny said, the breach between France and Germany, and Germany must more than ever gain the impression of encirclement, if a party depending on Moscow like the communists party followed the policy of Delcassé, the policy of revenge and of the former Russo-French pact. The greatest danger of war would arise, if France were to convey the impression that she enjoyed the secret protection of Moscow. Even the German government made a last attempt to keep France from ratifying the pact. In the interview that Hitler gave to Bertrand de Jouvenel, the correspondent of the French Newspaper "Paris midi", on 21st February 1936 - doc. Book IV No 108 -

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Hitler once again held out his hand to the French people for an understanding, for lasting peace and friendship: "I want to prove to my people", so Hitler literally declared "that the idea of hereditary enmity between France and Germany is nonsense" and Hitler once and for all in that interview, finished off the reference to his book "My struggle", that was brought up then as it has been continously been repeated in this court, by stating: "When I wrote this book I was in prison. At that time French troops occupied the Ruhr, it was a moment of greatest tension. Yes, we were enemies, and I stuck to my country as it should be, just as I stood to my country against yours in the trenches when I was for 4½ years. I would despise myself, if in case of a conflict I were not a German first of all. But today there is no reason anymore for any conflict. You would like me to correct my book like a writer. But I am no writer. I am a politician. I make my corrections through my foreign policy which is directed towards an understanding with France. If I achieve the German French understanding, it will be a dignified correction. At the same interview, however, Hitler drew attention most clearly to the inevitable consequences of the Franco-Russian pact: "My personal efforts to such an understanding will never cease. However, this more than regrettable pact would, in fact, create a new situation. Are you not conscious, in France, of what you are doing?

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They let themselves be drawn into a diplomatic game of a power which wants nothing but to bring the great European nations into a chaos from which this power alone derives advantage. One must not lose sight of the fact that Soviet Russia is a political factor which has at her disposal an explosive revolutionary conception and a gigantic armament industry. "He concluded this interview emphasizing again that France could end this alleged German danger for good if it so desired, because the German population had complete confidence in him, their leader, and he, this leader, desired friendship with France. The hearing of evidence has proven that Hitler meant these declarations to be honest and sincere."

But it was all in vain: The French Government could not be moved any more to relinquish its rigid attitude and on 27 February 1936 the French Chamber voted to ratify the pact in spite of all warning.-

The die was cast, on 7 March 1936 German troops marched again into their previous garrisons in Rhineland Zone, which had been demilitarized until then, the German Reich had won again its full sovereignty over the entire Reich territory, the last of the restrictive barriers of the Versailles treaty had fallen. This reinstatement of the full sovereignty of the Reich over the Rhineland, however, was of importance for one reason, which by far surpassed its political and prestige significance as seen from the standpoint of existence of the German State and nation, and also was the sole and therefore the more pressing reason and cause for the important resolutions made by the German Government. This was the security of the Reich. As long as the Rhineland was demilitarized not only one of the most valuable and most important provinces but the Reich itself, and especially its life

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source the Ruhr territory, was without protection against any military attack from the West.-The only protection for Germany against the latent terrible danger lying in this fact existed in the Locarno pact, made in 1925 firmly guaranteed by Great Britian and Italy in which France and Belgium on the one hand and Germany on the other hand underwent the obligation not to wage war against each other. Therefore it was - if the German Reich was to put up in future with the vulnerability of its Western frontier by having the Rhineland demilitarized - a matter of life and death that the protection given by this treaty would not be falsified.- Such falsification of its meaning and its essence, the protection of Germany, however, occurred at the moment when the political conditions and constellations, which existed at the time of the conclusion of the treaty, had changed fundamentally. When the Locarno pact had been concluded the political conditions in Europe and therefore also in Germany were governed and determined solely by the four powers, England, France, Italy and Germany acting in unison, and therefore, the men who made the Locarno treaty for Germany, could legitimately rely on the faithfulness of France and Belgium as sufficient protection. This supposition however ceased to exist and the meaning and essence of this treaty and with it the protection for Germany was bound to be changed, i.e. to be falsified, when France definitely changed the political conditions of Europe through concluding her pact of assistance with Russia

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created a situation which frustrated the aim and purpose of the Locarno treaty, namely to give Germany protection against the permanent danger caused by the demilitarization of the Rhineland. The political constellation of Europe had been completely changed by this pact, by the fact that the world's greatest military power, which was openly revolutionary minded at that, had entered the political arena. In the face of the not clarified situation in the East, amply laden with conflict material, the pact could lead easily to the possibility that France, because of her duties toward Russia, became drawn in a war and would attack Germany, should the latter get entangled conflict in the East. One has to admit that it was in no way sure, in any case highly problematic whether the guaranteeing powers England and Italy, would consider the case for which the guarantee was given as arisen and would actively assist Germany against a French attack, or would rather prefer to stay neutral. That this possibility positively existed also from the legal point of view was shown already in the German note of 25 May 1935 about the French-Russian pact - Doc.book III Nr. 105 - and was emphasized again in the German memorandum to the signatory powers of the Locarno pact of 7 March 1936 - Doc. book IV Nr. 109. As I have already described to you, this possibility, this danger became even greater and more immanent through the events up to the ratification of the French-Russian pact by the French Chamber and by the ratification itself. Therefore, it was a command, a self-evident act of self-defence and self-preservation when the German Government, realizing this threatening danger, took steps which were the minimum of what was necessary to meet this danger,

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Namely to establish the military sovereignty of the Reich in 1935 and to re-occupy one year later the demilitarized Zone of the French Armies, and thereby to move forward the defence line against any attack from the West to the border of the Reich. With all due respect to the rights and rightful interests of other nations, the highest all overriding duty of every government, every responsible statesman, has been, is now and always will be, to maintain and safe-guard existence and life of his own State and nation. A statesman who neglects this duty comits a sin against his nation. Re-establishment of military sovereignty, rearmament, and re-occupation of the Rhineland were the natural reactions, the answer of the German statesmen in duty bound and therefore also that of the defendant von Neurath, to the policy of the French government, in which after all what had happened before, they had to see and saw a threat to Germany.

Far be it from me and I wish to state this here emphatically, to reproach the French government morally or otherwise, for the policy followed by it as I have described it above. Moreover, I am of the conviction - in agreement with the defendant von Neurath - and recognize fully , that the French policy was dictated solely by France's interst and the French statesmen surely have done only what they believed was just from the French point of view.

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And if they proceeded thereby from an incorrect premise according to German conviction, namely the premise that a Germany which had regained its strength presented a danger and a threat to France, that from times of old the German people had faced in a blind rage of hatred and enemity the French people and were animated only by the furor to attack and the craving for revenge, then my client and I can only sincerely deplore this, but we can not condemn it. But on the other hand I too must claim the same right for the German statesmen, for the defendant von Neurath, that their deeds and actions be judged according to their motives, according to the then prevailing circumstances which of necessity from the viewpoint of German interests led to these motives, and that not an in itself most improbable interpretation which was the farthest from them, be given to their motives. Politics, diplomacy are history which has come to life. Like the entire universe, like everything that lives and moves in it, so too is this living history subject to an unchangeable law, the law of causality. And I believe in my deliberations to have given irrebutable evidence to you, Your honours of the following facts: that the two actions charged to the defendant by the prosecution and which are said to incriminate him in particular because they represent breaches of contract in preparation of war, namely the recovery of the military sovereignty of the Reich and the remilitarization of the Rhineland were, according to the iron rules of logic and necessity the outcome of the events and the political development during the years of my client's activity as Foreign Minister due to the politics of the Western Powers, that neither he nor Hitler have consciously, intentionally and according to a preconceived plan brought them about, but that they were the inevitable consequence of the French policy. They can therefore not only not,

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as is asserted by the prosecution in its retrospective consideration of things, have an aggressive or even war-preparing character or tendency, but to the contrary by serving only the purpose of defence against and the warding off of a possible attack, they have an outspoken defensive and hence peaceful character. That alongside of this there is no room for their interpretation for a future war of aggression by Germany, I guess I need not emphasize. The assertion of the prosecution proves only the absolute unsuitableness, the whole absurdity of a retrospective interpretation of and conclusions drawn from certain historical events torn out and abruptly lined up without any coherence. With the investigation of historical truths, which should be the first pre-supposition and duty of this high Tribunal not only for the forming of its judgment, but also for its duty to direct the ways of a new international law controlled by ethical principles, this manner of thinking has nothing whatsoever in common.

But a critical examination of the two steps charged against the defendants as breaches of international treaties does not prove sound upon closer scruting of the connections. For the Treaty of Versailles as well as the Treaty of Locarno had in the course of time and events not only lost their signification and therewith their inner justification, but both of them had long since been breached by exactly the French policy and thereby de jure annulled, the Treaty of Versailles by France's obstinate refusal of the disarmament-obligations imposed upon her as well as upon the other contracting nations in return for Germany's disarmament, the Treaty of Locarno

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by the agreement with Russia which was incompatible with the Locarno pact. History, as often before, had passed over them too, and had thus shown the nonsense of applying rigidly the dogma of "Pacta servanda sunt" as France tried to maintain against Germany. This fact will not be altered, not even by the League of Nations resolution of 19 March 1936 which had been proposed by France and which is not astonishing in view of France's dominating position in the League of Nations, in which the latter declares that Germany, through re-militarizing the Rhineland, had violated article 45 of the Treaty of Versailles. History passed over these too.

I believe no further comments are needed upon this resolution and the explanations and parleys between the participating nations which preceded and followed it, for gradually in the course of events they petered out. Europe finally put up with the accomplished [illegible].....And even on the supposition of the correctness of this resolution: According to the Charter of this high Tribunal the breach of an international contract is punishable only when it serves the purpose of preparation for a war of aggression. And in the course of this trial one of the American gentlemen of the prosecution stated expressly that it was absolutely legal and justifyable by peaceable means to bring about a revision or the end of treaties. But the German policy has been nothing else. The military action of the re-occupation of the Rhineland was in view of the small force of troops of only 1 division without participation of the air-force in reality only a

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symbolic act for the restoration of the sovereignty of the Reich, and has been proved already by the fact, that as early as 12 March 1936 the German government through its ambassador in London in a statement contained in my document-book IV.- No 113, made the proposal, in the case of reciprocity to abondon the re-enforcement of troops and their closer approach to the borders.-The proposal was rejected by France.-The German policy has throughout and in every respect held to its line of peace-policy for which it had stood consistently, for many years, and in reality it only wanted to serve and has served the purpose of peace and its maintenance in Europe. Both steps, the restoration of military sovereignty as well as the re-occupation of the Rhineland [illegible]e, as I want to especially emphasize here, nothing else than the visible expression and effluence of the full and unlimited sovereignty of the Reich. This sovereignty in its part had already been recognized by the Western powers in the often mentioned Five-Power-Agreement of 11 December 1932 by the recognition of Germany right of equality.-More conclusive evidence of the love of peace and the absolute peace-policy of the defendant von Neurath could hardly be found than the fact that for years he waited with the realization of this recognition, in the interests of avoiding complications which due to the French policy by reasons of its former attitude might possibly arise, up to the moment when, in consequence of the changed balance of power, this realization became an undeniable necessity for the security of the Reich, a necessity for self-[illegible]ce. And the German foreign policy

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continued in practice to follow this tendency unchanged, even after and in spite of this resolution. In the German memorandum of 31 March 1936 - Doc - Book IV No 116 - German foreign policy once more submitted to the powers, on behalf of the Reich Government, a new great peace-plan for a quarter of a century of peace in Europe, by which, as is stated in conclusion, it wanted to make a contribution to the building up of a new Europe on the basis of mutual respect. It thereby again gave clear and unmistakable evidence of its immutable will for peace. That this German peace plan, the absolute honesty and sincerity of which had been affirmed upon oath by the defendant, was also not successful, and did not lead to the building up of a new pacified Europe, was not Germany's fault.

These same peaceful tendencies and intentions continued to dominate the defendant's policy during the years 1936-37, in spite of all the disappointments he had experienced to date. This was expressed above all also by the treaty between the German Reich and Austria, which was concluded on the 11 July 1936 as the result of negotiations which had been carried on for some time by the defendant von Papen. Not only the defendant's own testimony but also the testimony of the witnesses Koepcke and Diekhoff prove beyond doubt that the standpoint on the Austrian question which the defendant consistently took up and supported from the very beginning was, that a closer co-operation between the two countries - both in the political and particularly, in the economic field - had, indeed to be striven for, but that Austria's inpedence had, under all circumstances to be respected and remain intact.

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Therefore the defendant was an strict opponent of any attempts of interference by Germany with the internal politics of Austria and the attempts of the party to support the Austrian National Socialists in their fight against the Austrian governments of Dollfuss and Schuschnigg and he had protested again and again against them with Hitler and not without success. That he, this Christian minded, honorable man, abhorred and condemned from the bottom of his heart the murder of Dollfuss need not be emphasized. And just from that view point he welcomed the agreement of 11 July 1936, as it corresponded throughout to his own opinion. This alone contradicts the assertion of the prosecution that the agreement was concluded with intent to defraud, that is with the intention to lull the Austrian government into security and hereby to prepare and facilitate for the future the intent already existing at that time, of incorporating Austria by force into the German Reich. The definite sincerity and honesty of the defendant at the conclusion of the agreement is confirmed by the sworn testimony of the then Austrian foreign minister Dr. Guido Schmidt. That the defendant Neurath had no reason to doubt Hitler's honesty and sincerity is demonstrated unequivocally by Hitler's statements as deposed by the witness Koepcke to the British Foreign Minister Simon on his visit in Berlin in March 1935 in connection with the fact that Hitler immediately after conclusion of the agreement urged on the leaders of the Austrian National Socialists Rainer and Globotschnik strict adherence to the agreement by the Austrian Nazis, as shown by the testimony of the defendant. And thus, from his view point, he considered this agreement another step

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to the appeasement of Europe as the recognition of Austria's independence proclaimed in it, eliminated the European danger point comprised in the Austrian problem.

In the same way the defendant worked on an improvement of the relations between Germany and the Czechoslovakian Republic since it was only with this aim in mind that he mentioned so often to the Czechoslovak Ambassador Dr. Mastny that the Czechoslovak government must at last meet the demands still very moderate at that time, of the Sudeten Germans, which were based on a promise in that matter given already in Versailles by the Czechoslovak government but not kept by her.

Nothing was further from the defendant's mind in both questions than the idea of their solution by force as later, after he had left his position as Foreign Minister, Hitler thought it the right thing to do.

And his efforts to improve the relations between the Reich and the European South Eastern nations and to make them closer, were served just as little aggressive intentions or even plans to partition Czechoslovakia with the help of these nations. If in Messersmith's affidavit it is alleged that Germany in order to secure this aim had promised to the South Eastern states, and even to Poland parts of Czechoslovakia and even of Austria, one can call this definite fantastic ideas which do not contain an iota of truth. What can be thought of these assertions is shown by the fact that the prosecution could not submit a single report from one of the diplomats of the Western powers accredited States, which would confirm their accuracy or even only indicate it.

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Should only Mr.Messersmith have been so clever to have learned of such plans? In reality the defendant's efforts and his trip to Budapest, Belgrade and Sofie served exclusively peaceful purposes, namely the exchange and the strengthening of the economic relations of Germany with these states, an endeavour which, as shown by the testimony of the witness Koepcke, was close to the defendant's heart and influenced his policies.

How far from him was any policy which even in the remotest sense seemed to him in accord with his policy of peace and international understanding, is proved best by the fact that he rejected the negotiations with Japan, entered into and carried on by the defendant von Ribbentrop in London without his assistance and completely independent of him, on direct instructions by Hitler, and objected to the Anticomintern Pact finally concluded with her and expressed [illegible] clearly by refusing to sign this pact.- It was, as is well known, and something quite extraordinary, signed by Herrn von Ribbentrop as Ambassador. The objection of the defendant to this kind of policy could hardly be expressed more strongly.

The defendant v.Neurath adhered faithfully and constantly to the last moment to this, his consistent peace policy in spite of the influences of other circles, especially from the Party, noticeable during his last years in office. He hoped until the last moment, to be able to check successfully these influences, to eliminate them and to further direct the policies of Germany along peaceful lines, faithful to his own convictions and to his promise to Hindenburg.

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When, on 5 November 1937, through Hitler's speech and his subsequent conversation with Hitler about it, in January 1938 he came to the conclusion that his influence on Hitler had disappeared, that Hitler would not shrink back from forceful, warlike measures, he drew immediately the consequences, and submitted his resignation which was accepted. His task, entrusted to him by Hindenburg, had become impossible to fulfil. He would not and could not have anything to do with a policy which did not shrink from warlike measures. It was completely out of the question to cover such a policy with his name, it would have been the negation of his entire life work, he would have betrayed himself and his people.

But this did not exclude that the defendant, who placed the welfare of his people above everything, even above personal interests and desires, made himself available again when need be or when he believed to be able to spare Germany warlike complications, the danger which was brought about by Hitler's policy, made along different lines. And out of this his attitude it is only too understandable that when Hitler summoned him on 11 March 1938 to inform him of the march of the German troops into Austria and because of Reichsminister v.Ribbentrop's absence in London to ask for his advise and for the answering of the protest letter of the British Embassy, he declared himself willing to do it. But if the prosecution now accuses him that the content of this reply was actuall incorrect the following must be said against it: The defendant had in this letter only stated what Hitler himself had told him about the events.

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The defendant himself knew just as little about the actual events as the rest of the world as, since his resignation as Foreign minister, he no longer received any political information whatsoever. Hitler's announcement about the marching in of the German troops surprised him just as much as it did everybody else and as the order for it had surprised even the highest commanders of the German armed forces, as admitted by Henderson himself in his well known book, with the addition that Hitler's decision to march in could, only have been made a few days before. There was all the less reason to doubt the accuracy of the description of the preceding events given to him by Hitler, as it was given in the presence of Goering and not contradicted by the latter. With his true and pure character and in view of his entire previous official activity under clean and honest governments, it did not even occur to him that the head of the state, Hitler, could lie to him and give him, at such an important moment, information for answering the British protest, the incorrectness of which was inevitably bound to be demonstrated within a very short space of time. And whom could he really have asked? Only very few men besides Goering had real knowledge, and those he could not ask, if only because they were not in Berlin. Goering did not contradict Hitler's description. He also did not - and this I would like to draw particular-attention to - sign in his own name, nor on behalf of the absent Foreign minister, the reply which he caused to be drafted on the strength of this description of Hitler's, for which he also did not use the letterheads of the Ministry of Foreign Affairs.

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but as the wording of the document discloses forwarded the description of the events by order of the Reich Government. The Reich Government, however, was Hitler, or rather on this day Goering. Thus he unmistakably expressed, that he did not write on behalf of himself, taking the responsibility himself, but that rather, like an attorney, he only forwarded the reports of a third person in this case of Hitler. He cannot be reproached for not having doubted their actual accuracy and for not having re-examined the official description given by the Head of the State, - who was Head of the State after all, aside from the fact, that he would not have been in position examine them.

Just as little can he be reproached for the statement, made a short time later to the Czechoslovakian Ambassador Dr. Mastny. Aside from the fact, that according to the statement by the defendant given under oath the discussion in question came off in a different fashion as was portrayed by the report of Ambassador Dr. Mastny, aiming ostensibly at greater emphasis and effect, the penultimate paragraph of this report - Doc.book V No 141 - singularily discloses, that even Mastny interpreted the statement of the defendant - that Hitler had no intention to attack Czechoslovakia and saw himself bound by the provisions of the agreement of arbitration now as before - to imply no permanent guarantee for all future, but only for the inmediate moment, that is until the action against Austria had been terminated. In view of the insufficiently prepared state of the Wehrmacht for war, as confirmed by the defendant Jodl, there was absolutely no reason to doubt the accuracy of this statement, that is to doubt that it actually corresponded with Hitlers wish at that time,

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in spite of the fact, that the prosecution pointed out Hitler's statements in his speech on 5 November 1937 with regard to the conquest of Austria and Czechoslovakia. For these statements applied only to the possibility of war with other states and to a much later period. Thus, the accusations raised against the defendant by the prosecution in this point are also unfounded. That Hitler already a few months after his speech on 5 November 1937, decided to incorporate Austria into Germany, came as a surprise to all, even his closest collaborators. Aside from the development c trends in Austria this, however, was brought about not at least by conferences held between Hitler, the defendant and Lord Halifax, the then Lord Privy Council in November and December 1937, in which, according to the deposition upon oath of the defendant, Lord Halifax declared - that the British people would not understand why they should enter into a war, because two German countries united.

Once more, in the fall of 1938, the defendant v. Neurath took the opportunity to intervene on behalf of the German people, in order to stave off the immediate danger of war. I need not go into details after the coinciding testimony of Goering and other witnesses, of how the Munich conference was made possible toward the end of September 1938. It is a fact, that its bringing about and its success e.e. reaching an agreement with Britain and France in the Sudeten question was due not to a small measure to the initiative and co-operation of the defendant. That, however he was able to accomplish this is due to but one circumstance, which, in complete misunderstanding of the situation is also made a point of accusation by the prosecution, that is the fact, that upon his resignation as Foreign Minister he was appointed President of the Cabinet Council, which had been newly created by Hitler at the same time.

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Without being in this position it would not have been possibl for him to get to Hitler in September 1938 and to persuade him to agree to the Munich conference. For, contrary to the allegation of the prosecution, even though maintaining the title of Reich Minister he was no longer an active Minister i.e. a member of the Reich Cabinet as from the day of his resignation, which is discernible from the fact, that his salary was decreased by one third. Consequently any co-responsibility of the defendant for the policy of the Reich ceased as from that day. For, contrary to the statement of the prosecution, as President of the Secret Cabinet Council he was not a member of the Reich Cabinet and he had no access, leave alone a seat or a vote in the Cabinet sessions. This has been established beyond doubt, already by the wording of the decree of Hitler's, creating this secret Cabinet council, for it says there expressly that its mission lies in rendering advice to Hitler personally, that is, solely to Hitler and only in affairs of foreign policy. Even the book of Huber "Constitutional law of Greater-Germany", quoted by the prosecution under PS 1744, in its attempt to prove the contrary, shows that the Secret Cabinet Council and its President had nothing whatsoever to do with the Reich Cabinet and were not a branch or an organ of it, but nothing but one of the several of the Fuehrer's personal offices. As it has been proven by the testimony of Goering, Lammers and other witnesses, the Secret Cabinet Council never started work and was not meant to do so from the beginning.

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In point of fact its creation was to bestow a personal honour upon him and was meant to efface the impression that differences had arisen between Hitler and the defendant. That he himself did not look upon his appointment in any other way is proved by the fact that the defendant lived on his estate in Wuerttemberg from 4 February 1938 on as a private citizen according to his own personal inclination's and only very rarely came to Berlin, where, however, he was not and could not be active in any official capacity, since he was deliberately kept from all information on political affairs by the Foreign Office.

If the prosecution believes that it can conclude from the documents submitted by it under No 3945 PS, that the defendant received sums of money from the Reich or the Reich Chancellery for the gathering of diplomatic information, this is refuted, apart from the defendant's own testimony on oath - by a letter among these documents dated 31 May 1943 from Amtsrat Koeppen, the Head of the office of the secret Cabinet council, which was conducted for appearances sake - a letter which proves conclusively that these payments of not very large amounts, made at great intervals to this office, were to cover the cost of maintaining this office and were not intended for any secret purposes or information.

Little as the defendant made use of his position as President of this secret Cabinet council, with one exception in September 1938, just as little was he active as a member of the Reich Defence Council, to which he was appointed by the laws for the Defence of the Reich.

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Here too the prosecution is making a mistake in turning this membership into an accusation against him and using it to foist upon him war-like intentions or the support of such intentions. In view of the manifold discussions about this Reich Defence Council during the course of the hearing of evidence, I believe I can dispense with a more detailed examination of this attempt by the prosecution and limit myself to pointing out that no aggressive tendencies of any kind were contained in these Reich Defence laws, but that, on the contrary, as their contents state, they merely contain - as is the custom in any state that has to reckon with the possibility of a war - the necessary provisions for the event of the Reich being attacked or being drawn into a war in some other manner. How one can deduce there from warlike intentions or plans on the part of the defendant is, however utterly incomprehensible. The defendant furthermore never participated in a single one of the sessions of this council and no reports about the decisions of this council were ever forwarded to him. The document 2194 PS submitted by the prosecution as alleged counter-evidence, was not sent to the defendant at all but to a department of the Reich Ministry of Transport (Reichverkehrsministerium) attached to the Government of the Protectorate, namely the transport department - and was intended for the latter. And its sender was not the Reich Defence Council (Verteidigungsrat), but the Ministry for Economy and Labour of Saxony.

With all these and similar efforts the prosecution will never be able to prove that the defendant, by his policies, was at any time directly or indirectly guilty of the crime of planning or preparing an aggressive war or even of approving or assisting such. The opposite is the case.

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All his efforts were bent to one and only, to attain the aims by peaceful means and in a peaceful way only which already had been aspired to by all former democratic governments since 1921, namely the removal of the stipulations of the Treaty of Versailles, which were discriminating for Germany, stamped the German Reich to a second class State and to bring about a general pacification of Europe. Not one of his deplomatic actions served any other purpose or contained any other intention, which would involve a crime in the sense of the Charter.

With full justification therefore, his resignation was Reich Foreign Minister was received by the whole world with anxiety and dismay, inside as well as outside Germany, especially in conservative circles - I refer to the statement of the witness Diekhoff - by which for itself the assertion of the prosecution is refuted, that he was active in these circles as a fifth columnist. What the prosecution to all this points out with regard to Hitler's speech to his generals in November 1939 and still less with regard to the speeches by the defendant himself of 29 August and 31 October 1937 will alter none of those facts at all. Hitler's speech was held at a time of the first military successes and was calculated as laying claim to the success of his, Hitler's state- leadership, and should only be valued for this face-value. The speeches, made by the defendant however, say just the opposite of what the prosecution likes to interprete into them. For both speeches, contained in my doc.book IV No 126 and 128, emphasize quite expressly the successful pacific intentions of the German Foreign policy, conducted by the defendant, and emphasize especially that the gained successes were obtained exclusively by peaceful means and not by means of force. Especially the speech of 31 October 1937, the least public speech of the

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defendant as Foreign Minister, frankly represents a resumé of his policy of peace. And that this resumé was and is correct, the prosecution itself had to admit in this room when, in the words of one of the prosecutors, it expressly denoted Hitler's speech of 5 November 1937 as the turning - point in German foreign policy, a speech, which had been taken by my client as an excuse for his resignation; and the prosecution thereby acknowledged unequivocally that, up to that day , German foreign policy had not been aggressive had not been a policy of force, nor pursued any plans or intentions of war, but had been thoroughly peaceful and could not have been other, in accordance with the defendant's confession of political and human faith which has been confirmed by all witnesses questioned here and in all of the questionnaires and affidavits contained in my document-books.

This declaration of faith was founded upon three basic pillars: human love, love of the fatherland and love of peace, all three born of and supported by a very deep sense of responsibility, towards himself, towards his God and towards his people.

When a few days after the occupation of Czechoslovakia, Hitler called the defendant to Vienna, from his well-deserved otium cum dignitate on his farm, and revealed to him that he had been selected as Reich-protector for Bohemia and Moravia, he felt himself obliged to answer this call, as a result of his sense of responsibility. He resisted it to begin with and struggled with himself a long time, as he had always been the strictest opponent of interference, not to speak of a more or less forceful annexation of other n tions to the German Reich,

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and for this reason he also condemned the annexation of Czechoslovakia and the so-called protective alliance (Schutzvertrag) signed by President Hacha, and this without the least knowledge at that time, how it really came about. The true details of this incident became really known to him first here in Nurnberg. Although the more he opposed to accept a public office one more and at his age at that and to take again service under Hitler and his regime of which he heartily disapproved, he became convinced due to his sense of responsibility towards his people and his humane principles, that he should not deny himself to this call. When Hitler explained to him, that he had selected him as the sole personality suited for bringing about successful reconciliation intended by him, of the Czechoslovakian people with the new conditions and with the German people, he could not close his eyes to the knowledg that he would be given a task, which he could not evade in the interest of the German people, as well as humanity and international understanding. And was it not a task indeed, worth of the "sweat of noble", through a human and just government and treatment to appease a people which would regard every restriction and encroachment on its liberty and autonomy as the worst injustice imposed, and which would be filled with the bloodiest hatred and resentment against a people perceived as the intolerable oppressor; to reconcile with just this people and the conditions directly created by it. But was not this aim along the same lines as the

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tendency of ensuring and preserving peace? And he could and had to say to himself with justification that, if he refused this task, another man from Hitler's entourage would in all probability be nominated Reich-Protector, who was not able or willing to appease the Czech people by humane and just treatment, and was on the contrary much more inclined to hold it down by force and terror, as actually happened 2½ years later, It was only as a result of these thoughts and reflecti that he decided to accept the appointment offered him - eliminating all personal interests and even setting aside the risk that this might be interpreted and held against him in some quarters as an act of approval and support of Hitler and of his regime - after Hitler had explicitly and firmly promised him that he was at all times willing to support his (the defendant's) intended policy of appeasing and reconcilin the Czech people by humane and just treatment, which did justi to the interests of the Czech people to the greatest extent. He was conscious of the weight of this task he had accepted. I do not hesitate to admit that it was here a question of a decision, to justify which could - from the point of view put forward here by the British prosecutor that it was immoral to remain in a government which should be rejected because of its amorality- cause embarrassment in the case of a personality formed differently from and with a different attitude in thought and action than, that of the defendant v. Neurath, but that, in view of the personality of v. Neurath which I hope has been described to you sufficiently and clearly, and in view of his profound sense of responsibility this decision was the only possible and logical one.

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It is actually pertaining to an antique tragedy that the failure of this mission, which had been assumed out of the highest ethical motives only, has brought the defendant v. Neurath into this dock.

I should like to declare, what follows at this point already, concerning the prosecution's attempt to present as unworthy of belief the defendant's assertion that he had assumed his office as Reichsprotektor only with the purpose and the object to appease the Czech people by safeguarding to a large extent its interests and its nationality and accordingly to be of service to this people and to its national prosperity, as being disproved by the photostatic documents submitted by the prosecution under Nr. 3859, consisting of a letter of the defendant to the Chief of the Reich chancellery Lammers dated August 31st 1940:

I believe that the second examination of the defendant, which has been readily granted to me by the Tribunal , has proven that those documents, particularly the two reports annexed to the letter to Lammers, which indeed are not consistent with the designs and tendencies of the defendant as mentioned above, do not form any evidence. Not only do those photostatic copies by no means correspond, according to the definite statement of the defendant, to the contents and the form, e.g. the length, of the originals annexed to the Lammers letter, which had been submitted to the defendant for signature, respectively approved by him, but they provoke more than reasonable doubts whether the photostatic copies of said documents are indeed identical with the annexes to the Lammers letter, owing to the following facts:

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In contrast to the custom of all administration-offices, both photostatic copies do not contain the references (Aktenzeichen) of the Lammers letter, not even a note that they are annexes to a third paper, let alone to the Lammers letter. And the photostatic copy of the first copy does not bear the defendant's signature, which , according to his definite statement, he had added, when signing the letter to Lammers, beneath the report annexed to the Lammers letter, which report had been done by himself or by his office according to his instructions, and which had been submitted to him in a fair copy. It is striking that it only bears a remark stating the correctness which should have been, but actually was not signed by a SS-Obersturmfuehrer working in the office of Secretary of state Frank. Those facts warrant the defendant's assertion that, if the reports whereof the photostatic copies have been made have indeed been annexed to the Lammers letter, they have been substituted to the original report of the defendant and to Frank's report as approved in the draft by defendant, in the office of secretary of state Frank, either by the latter or by his order. Furthermore, the defendant's statement is quite worthy of credit, made in order to explain the fact and the purpose of this Lammers letter and its annexes, viz. that he wanted to try, just as according to the plan contained in General Friderici's report dated October 15th 1939, submitted under US 65 L 150 - to induce Hitler by both reports sent to him as well as by oral report to abstain from a division of the Protectorate territory and from a germanization of the Czech people in any form whatever and to prohibit any similar plans at all, a course which the defendant expressly refused

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to sustain, for all possible reasons, not in the last in the interest of the Czech nation entrusted to him, and of its national character and unity. These assertions of the defendant are confirmed by the statements of the witness von Holleben in the questionnaire answered by him - doc.book V Nr. 156 - of the witness Dr. von Burgsdorf, as well as by the own letter of the defendant to baroness Ritter - as literally quoted by the latter in her affidavit - doc. book Nr. 3. And the defendant has actually succeeded in carrying his point, as proven by the report of his conversation with Hitler submitted by the prosecution. As long as he was in Prague, no steps have been taken for any germanization of the Czech nation, the defendant has even prohibited the discussion of this entire question, as proven by document 3862 P submitted by the prosecution. By this prevention of any division of the Protectorate territory and of any more or less forcible planned germanization of the Czech nation it is actually proven, in the clearest possible manner, how sincere the aims and endeavours of the defendant were to save and to keep the Czech nation and its nationality in its national unity and character, true to his principles and designs, as stated publicly in his article reproduced by the Frankfurter Zeitung of March 30 th 1939- doc. book V. Nr. 143 - concerning the new order of central Europe, as forming the rule of conduct for the accomplishment of his duty.

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He himself defines in this article his task as a fine one, but as a difficult one too. How difficult it really was, how nearly impossible, was to be proved unfortunately but a little while later.

The reason was in the first place that from the beginning not only the full power in the Protectorate had not been transferred to him, that never - quite aside from his subordination under Hitler - had he received a solely decisive and overruling position, but also that his competences and power were not defined sharply enough. It is true that Hitler's decree of March 16th 1939 establishing the Protectorate, and the supplementing decree of March 22nd 1939 - doc. book. V. Nr. 144 and 145 - had decreed that the Reichsprotektor was put under the control of the Fuehrer and Reich chancellor, that he was to be the Fuehrer's and the Reich government's sole representative and was to receive his directives from the Fuehrer and Reich chancellor. But at the same time not only certain administrative branches, such as Wehrmacht, communications, postal, telegraphic and telephone services, were from the beginning, placed out of his competence, but also the Reich government and the Reich itself had been given the right to take under their own administration, as Reich administrations - soccalled "Reichseigene" - independant of the Reichsprotektor, administrations which/were actually Reichsprotektor offices, and to establish, if necessary, Reich offices, which did not fall under the Reichsprotektor's competence. The Reich had also received the right to take measures necessary to maintain security and order in the Protectorate, over the head of the Reichsprotektor.

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Furthermore - and this is the most important point of all - , the right was granted to every one of the many supreme Reich authorities, i.e., not only to the Reich ministries, but, e.g., to the Reichsbank, the Four Year Plan, the Council of Ministers for Reich Defence and others, to decree laws and organisational measures on their own authority quite independently of the Reich Protector, and thereby to interfere in branches of the administration which, by their nature, belonged to the competence of the Reich Protector, without the Reich Protector having either the right or the possibility to protest against, or prevent such decrees or measures should they be in opposition to his own decrees, measures and policy. On the contrary it was his duty not only to publish then in the protectorate, if asked to do so, but also to supervise their execution. So the position of the Reich protector was - using an example as explanation - by no means the same as, e.g., that of the British Viceroy in India, but corresponded far rather - though to outward appearances a somewhat higher level - to the position of a Reich Governor or the President of a province. This position therefore did not correspond to what had hitherto been understood constitutionally by a protectorate, nor could it, because this socalled Protectorate of Bohemia and Moravia belonged , according to Article 1 of the above mentioned decree of 16 March 1939 - and to this I wish to draw particular attention here, - to the territory of the German Reich, that is to say it was a part of the German Reich. And it only possessed a certain amount of self-administration and a limited autonomy within the Reich as a part of it, whereby the introduction of laws and regulations valid in the rest of the territory of the Reich was a priori understood.

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It is self-evident that the greatest difficulties were bound to result very soon from this so vague and indefinite delimitation of the powers and competence of the Reich-protector - difficulties not only for a homogeneous policy directed according to homogeneous points of view and guiding lines, but also for the defendant himself as Reich Protector in governing in the way he wished and which he had embarked upon difficulties and resistances which became more and more acute in the course of time. On the other hand it also follows from the above that the responsibility of the defendant can only be judged from this point of view i.e. only by taking into account these various competences of all kinds of other authorities. He can never be made responsible for decrees, measures and actions which he did not decree or order himself - which, on the contrary, were decreed without his co-operation, without his knowledge, even against his will, by authorities or other offices outside his sphere of power and influence - decrees, measures and actions which he had neither the right nor the power to prevent and for which he was at most a transit office. -

This holds good in the first place for the joint responsibility attributed to him by the Czech prosecution (USSR 60 a) for all the actions of Hitler and of the Reich Government before and after the creation of the Protectorat. The assertion which forms the foundation and presupposition for this - the prosecution assertion that Herr v. Neurath, after having given up his post as Reich Foreign Minister, remained a member of the Reich Government - is factually wrong.

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I have already proved elsewhere beyond doubt that he was not a member of the Reich government, neither as a minister without employment nor as president of the Secret Cabinet Council. And he was just as little a member of the Reich government as Reich Protector. That, too, is certain and has never been claimed by the prosecution before this court. Therewith any part-responsibility of the defendant for any actions or measures which preceded or prepared the setting up of the Protectorate, is out of the question. I have also already proved elsewhere that his statement to the Czechoslovak Ambassador on 12 March 1938, which he has been reproached with here again as being such a preparatory action, was not false, not deceitful, and was therefore not an action preparing the march in to Czechoslovakia.

If the Czech prosecution further draws the conclusion from Article 5 of the above-mentioned decree of 16 March 1939, that, as Reich Protector, he was responsible without distinction for every thing that occurred in the Protectorate during the time he was in office, i.e. from 17 March 1939 to 27 September 1941, this conclusion is also factually wrong and false, in view of the actual position with regard to competence in the Protectorate; as explained above. There is no system of law in the world according to which one can charge a person with criminal responsibility for occurences and acts by third persons, in which he did not participate, or co-operate or which even occurred against his will.

Thus he can not be made responsible for the fixing of the rate of exchange between the Reichsmark and the Czech crown,

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because this rate had already been fixed when he took over office; he neither had any hand in fixing it nor had he the power or right to change the rate of exchange; we can here very well leave aside the question whether, as the prosecution maintains without proofs, the rate of exchange was detrimental to the Czech people or not. That, by the way, even if the latter were the case, this would not be a crime according to the charter-and only as such would it be punishable- hardly needs to be stressed.

He can just as little be made responsible for the creation of the customs union and for its execution. This had already been laid down in Article 9 of the decree of 16 March 1939, which says literally: "The Protectorate belongs to the customs area of the German Reich and is subject to its sovereignty as regards customs." This regulation was a natural consequence of the already stressed fact that the Protectorate was a part of the territory of the German Reich. However I would like to draw special attention here to the fact that the defendant, because he regarded the absorption of the Protectorate into the customs area, the customs sovereignty of the Reich, as detrimental and harmful to Czech economy, managed to postpone the execution and realisation of this absorption for a year and a half, till 1st October 1940 in spite of all the urgings of the Reich Finance Minister, which is clear proof that the defendant put the interests of the Czech people who had been confided do him, above the interests of the German Reich. He had absolutely nothing to do with the economic measures consisting in the alleged transfer of Czech banks and industrial enterprises and the alleged filling of the keypositions in them with Germans.

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Those measures were taken by other offices, especially by the Reich bank and the Plenipotentiary for the Four Year's Plan, behind his back a without his collaboration. Besides, they were the natural result of the circumstance that already in earlier times very important German capital had been invested in these banks and enterprises, and this capital increased after the occupation, because the credits given by other countries were withdrawn by them and taken over by German firms

Lastly, he had nothing whatever to do with Jurisdiction. The latter was under exclusive control of the Reich Minister of Justice. He alone established the German courts including summary courts and prosecuting authorities, he only appointed judges and prosecutors. Herr v. Neurath himself had nothing to do with this and still less with the jurisdiction of the courts, as clearly shown by the ordinances and decrees which established them, especially the decree concerning the execution of criminal jurisdiction of April 14th 1939 - doc.book V No. 7

At this point too, however, it must be emphasized that neither the economic measures nor the establishment of German courts in the Protectorate, which was a part of the German Reich, even remotely fall under the category of crimes punished by this Charter. Just as little do fall under these crimes the alleged intrusions into Czech school organization, the appointment of German school inspectors, measures with which the defendant has been charged in the Czech indictment, and also were not taken by him, but by the German Reich Ministry of Education and Instruction .-

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And the closing of a large number of Czech secundary schools has not bee ordered by the defendant at all, nor by the German Reich Ministry, but actually by the Czech government itself, according, it is true, to a suggestion made by the defendant. This measure turned out to be useful and in agreement with the interests of the Czech youth and, therefore, of the Czech intelligentsia and people, by preventing the formation and gr of a large educated proletariat. This danger had become acute because, after the incorparation of the Sudeten German territory into the German Reich in autumn 1938, a very large number of Czech officials and members of the free professions had streamed into the territory of the Protectorate, which, in conjunction with the already existing overcrowdir of all higher professions, and in view of the diminution of the Protecto territory owing to the separation of the Sudeten territory and Slovakia still more diminished the possibilities for getting employment and remuneration for the upgrowing pupils of secondary schools. Additionally to this came the closing of universities, in the middle of November 1939, according to a personal order of Hitler. The Czech government could not deny the truth of such considerations of the defendant, and decreed itself the closing of quite a numb r of schools. The defendant did not ex cise any pressure on the Czech government. This has been proven by evidence.

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The dissolution of Czech gymnastic and sports clubs and similar organizations however, was done without knowledge or participation of the defendant, by the police, which was not controlled by him, neither did the confiscation and the use of their assets. It is not even certain, by the way, whether this dissolution has taken place while the defendant was holding office or but after his departure. The dissolution of the Sokol, it must be said, was a real necessity for the government, to protect German interests, and moreover a measure which was taken in the interest of the pacification and reconciliation of the Czech nation too, as the Sokol was, beyond doubt, the focus of anti-German efforts and of the incitement to the Czech people toward an active resistance against everything which was German.

The preceding arguments show, how manifold were the encroachments of other administrations and offices on the administration of the Protectorate and, accordingly, the difficulties and resistances against a Uniform policy of the defendant by. Those were, however, no means removed, but on the contrary, aggravated by the decree of September 1 st concerning the organizatic of administration and of the German Security Police - doc.book V No, 149-. This decree was been issued, without any previous contact being made with the defendant, by the Council of Ministers for the Reich defence. Especially in its first part, it is absolutely obscure and misleading. True, it placed all German administration offices and their officicals in the Protectorate under the control of the Reichprotector, but this subordination was an administrative one only , i.e. a purely external one, but not at the same time an actual one with a view to the administrative duties which they had to perform.

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In this respect, things remained unchanged, as results already from the power of the supreme Reich offices according to article 11 of the decree of March 16th 1939 and of the ordinance of March 22nd 1939. The difference was only that from now on all administrations and offices established or to be established by other offices were formally attached to the Reichsprotektor's office and were officially to be known as departments of the administrative designation "The Reichsprotektor of Bohemia and Moravia". However, this did by no means ensure that such attached departments were put, in fact, under control of the Reichsprotektor himself, i.e. the defendant, that they received from him their actual directives and orders and had to work according to his views and following his directives. On the contrary, they received their instructions, just as before, from their original Reichoffices and had to observe and to obey only these. For instance, the so-called transportation department constituted accordingly at the Reichsprotektor's, which dealt with the communication - system already taken out of the Reichsprotektor's jurisdiction by ordinance of March 16th 1939 - was controlled, just as before, by the Reich Ministry of Communications, and not by the Reichsprotektor, and had to get instructions not from him but from the Ministry in Berlin. And the same applied to other sectors, also concerning purely interior administration.

According to this ordinance of September 1st 1939 of the Council of Ministers for the Reich defence, and not, as the Czech prosecution erroneously contends, by a decree of the defendant,

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a new division of the Protectorate territory was created, into Oberlandratsbezirke with an Oberlandrat at their head, which official is, according to par. 6 of the ordinance, the competent administrator for all administrations of interior administration, and subordinate to the Reichsprotektor in an administrative sense; as such he is invested with far-reaching authority, and also controls the Czech authorities in the Protectorate, and this, not by order of the Reichsprotektor, but of the concerned Reich Ministry in Berlin. This too was bound to cause very serious differences and oppositions between the measures taken by those Oberlandrate according to the directives issued to them by the Reich Ministry of the Interior in Berlin and the policy pursued by the defendant. Inhowfar this latter affected and influenced the Czech administrative offices, can remain out of consideration, as this decree too and its result, the switching-in of Reich German officials into the activity of the Czech administration, is no crime punishable according to the Charter of this Tribunal. This decree too is but a result of the belonging of the Protectorate to the Reich.

On the other hand, this decree clarified the question of the position of the police within the Protectorate territory, as well of the political as of the security police. This question was quite unsettled until the decree came into force and had led to differences and inconveniences between Herr v. Neurath and his Secretary of State Frank, from the first day of the former's activity on.

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At the time Hitler charged the defendant with the office of the Reich Protectorate, he had, according to the defendants testimony, assured him of a great plenitude of power, especially for the protection and fullest assistance in such policies of the defendant as were intended to achieve conciliation and balancing of the radical aspirations of the party and other shauvinistic circles. The defendant deduced from this, that as the representative of the Fuehrer in the Protectorate he must and will have a decisive influence in the activity of the police also. According to his own testimony he could not visualize at that time, that by the fact that the police had not expressly and from the beginning been subordinated to him, a large part of the sphere of activity expected by him became illusory from the beginning o By simultaneously appointing Frank - who had just been made higher SS and Police Fuehrer in the Protectorate - to the position of Under Secretary and as such subordinating him to the defendant, he could however derive Hitler's intention to centralise power of authority over the police, if not in his own person, at least under his jurisdiction e.g. his Under Secretary. In practice however this relation worked out entirely different, since Under Secretary Frank had not the slightest intention to include his superior, the defendant, into the sphere of activity of the Police and recognise only the jurisdiction and power of authority of Himmler, resp. of the Main office for security of the Reich (Reichssicherheitshauptamt), his superior as Ss and Police Fuehrer.

This actual condition was determined by law in a decree on 1 September 1939.

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For this decree unequivocally expresses that the German Security Police, and thereby also the Gestapo, was not subordinated to the Reich Protector. This is already evident purely outwardly from the fact that the decree completely separates both departmental spheres - Administration and Police - by dealing in part I with the building up of a German administration in the Protectorate subordinated to the Reich Protector and dealing in part II completely separately with the German Security Police. This Security police is not under the jurisdiction of the Reich Protector but, as was already reserved in Article V, par. 5 of the decree of 16 March 1939, is taken over by/administration of the Reich itself, that is to say, it receives its orders direct from the Chief of Police in Berlin, i.e. Himmler and in part also by the interpolation of the higher SS and Police Chief in Prague. - For the relations of the police with the Reich Protector, the second sentence of para II is authoritative. Its wording is as follows: " The organs of the German Security Police are to collect and exploit the results of their investigations, in order to notify the Reich Protector and his subordinated offices accordingly about important event and to keep him informed and give him suggestions."

This signifies that the Reich Protector was legally and actually unable to influence the activities of the police in any form whatsoever. He could not oppose their orders, emanating from Berlin, prior to their execution; quite apart from the fact that he never got to see them, he had no authority to oppose them either . He had but one claim and that was to be subsequently informed by the police about measures already taken by them and even that happened- as was proved by the evidence- only in the rarest cases.

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He did not have the right or the possibility to issue orders to the police himself.

In consequence of this separation of powers and in view of the totally different attitude of Frank as compared to Herr v. Neurath's, the sharpest differences and contradictions were inevitably bound to result. For Frank, as a Sudeten German and one of the leaders of the Sudeten Germans was filled with hatred and revenge against anything that was Czech. He did not want to hear of a reconciliation or an understanding between the German and the Czech peoples, and gave free rein to this anti-Czech frame of mind of his from the first day of his activity.

At first, that is to say, up to the time of the outbreak of the war, the activity of the police was actually slight, so that these opposing viewpoints were not so apparent. Herr v. Neurath could consequently assume that this opposition would gradually diminish and that Frank would conform to his wishes and aspirations and would show himself to be accomodating and he, the defendant, did not yet recognize the necessity of exerting a lawfully founded influence upon the police through Frank. When, however, he finally had to realize - from the gradually increasing activity of the police and their excesses - that his expectations were not being fulfilled, he protested to Hitler orally and by letter, time and time again - as confirmed by the testimony of the witnesses Dr. Voelckers and von Holleben - and implored him to alter this ominous state of affairs and to subordinate the police to him, and him onl

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However, all Hitler's promises and assurances proved false and the subordination of the police to Herr v. Neurath did not take place. Yet, he did not want to relinquish the fight so soon, nor despair of the task taken over by him. Now more than ever he wanted to try to impose his ideas and policy, and, should he not be successful, at least to diminish and alleviate subsequently the consequences and harshness of the measures taken by the police in general and individuall: That, for this purpose, he had the most detailed account given to him personally in all cases of measures and action taken by the police, such as arrests and other excesses in so far as he received information about them, mostly from Czech sources, and that, wherever he could, he exerted his influence for the release of arrested persons and other mitigations is evident from the testimony of all witnesses produced by me, above all from the testimony of Dr. Voelckers, who, as Head of the defendants office, was continually engaged in receiving such complaints.

This is moreover evident from documents submitted by the prosecution themselves, such as the notes of the defendant about his conference with President Hacha of 26 March 1940 - App. 5 to supplement No 1 USSR 60 - and even from the testimony of Bienert, added to the special accusation, who himself was arrested by the police and again released in a very short time upon the intervention of the defendant.

With the one exception of the testimony of Frank of 7 March 1946 submitted during the hearing of evidence, the testimony of all witnesses corresponds on the question of the responsibility of the defendant for the measures taken by the police.-

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At his interrogation on 30 May 1945 - Doc.book V Nr.153- Frank said, quote: "The police, however, was not under the control of the Reich protectorate. Both, Gestapo and Security police, received their directions and orders directly from the Reichssicherheitshauptamt in Berlin. Frank's statement of 5 May 1945 concerning the students' riots - Doc.book V No.152 - is also typical for the manner in which the police received its instructions directly from Berlin leaving out the Reich Protectorate. Frank speaks therein of the report about the first demonstrations, he had sent to Berlin and in which he had asked for instructions and had received them directly from the Fuehrer's headquarter through the Security Police in Prague to which they were sent by Berlin directly and he, Frank, received them from there. There is no mentioning whatever of the person or even the office of the Reich Protectorate during the entire proceedings, it is an internal affair of the police taking in Frank, the leader of the higher SS and police. Because of the importance of this point I would like to refer explicitely to the statements, made by the witnesses von Burgsdorff and Voelckers, who both were, on the basis of their official position thoroughly conversant with this question during the entire time the defendant was in office, Burgsdorff testified that the police was under Frank who received his orders directly from Himmler. Voelk said that the defendant had no influence on Franks activit and thereby on the police. In practice the police and, therefore also Under Secretary Frank were from the beginni completely independent om the defendant,

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This was legally sanctioned later through the order of 1 September 1939. All witnesses, also in their written testimonies, testify that the relations of the defendant to Frank had been as bad as imaginable.

It is entirely impossible in this case that the chief of the SD and the Security Police should have been active as political adviser to the defendant. The defendant cannot at all remember a decree from May 1933 about the appointment of this man to which reference is taken in the document by the chief of Security Police -USSR /87 -. In any case, according to his definite statement, he never carried out any functions. The document USSR 487 therefore does not appear to have any proof of evidence. The copy submitted to me by the tribunal is dated 21 July 1943. That alone proves that the appointment of the SD leader, if it occurred at all, was not given any effect during the defendant's entire time in office. Aside from the date, however, the result is that, in "Reference to the letter...", this appointment does not at all concern a political adviser to the Reich Protector in person but the Under Secretary for the Security Service, namely Frank. The address " Der Herr Reichs-protector" is to be understood in a way that is does not mean the person but the office. In the German government circles it was customary to speak of the "Herr" Reichminister etc., even though he was not meant personally but any department of his office. It is entirely credible and probable that the SD leader was appointed political adviser to the Under Secretary,

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who at the same time, was Under Secretary to the office of the defendant and independent Under Secretary to the Security Service. Just from the so-called "warning", given at the end of August 1939, with which the tribunal reproached my client can be seen how he himself felt about the ways means of easying the minds of the population and to hinder, that is, prevent violence and insubordination. According to his sworny testimony, the defendant thereby succeeded in discouraging the population from committing acts of violence and especially prevent acts of sabotage, which were to be expected in this time of political high tension before the war, and thus in preventing harsh police and legal measures which would embitter the population even more. It is doubtlessly more human to issue such a warning and thereby to prevent the committing of crimes instead of letting crimes be committed without previous warning and afterwards give severe punishment. That acts of sabotage, if it was impossible to prevent them, were severely punished in those times, would certainly have been acknowledged also in any other country and is a matter of course. As the defendant testified the warning had fulfilled its purpose. No special punishments were threatened or determined, it contained no special threats of punishment whatever, but referred, as the wording proves, to criminal law, already in force.

The sentence, that the responsibility for all acts of sabotage affected not only the culprit but the entire Czech population, is, of course, concerned only with the moral responsibility

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and not the legal one, as was also confirmed by the defendant.

It means that in the case of repeated heavy acts of sabotage general measures would be taken in the respective territories as for example, earlier curfew, ban on going out or general stoppage of traffic or electric current, under which the entire population would have to suffer. A collective responsibility in the legal sense would have had to be formulated much more concretely. It was expressly mentioned at the beginning of the proclamation that everyone who commits the cited crimes thereby proves himself to be an enemy of the Reich and has to be punished accordingly. This sentence especially shows that the legal treatment of such sabotage acts would have been carried out individually. At that time nobody in Prague, not even the chief of police would have thought of the idea to decree a general punishment, or even, as the prosecution asserted without any evidence whatever, to establish the hostage system. In this connection I also wish to refer to the statements made by the witness von Holleben - Doc. book V Nr. 158 - in which he states: "Neurath therefore always refused to make a person responsible for acts, committed by somebody else.

From all that has been said previously, results furtheron that the defendant von Neurath cannot be made responsible for the arrests, made at the time of the occupation of the Czech territory, nor for the arrests of, as the prosecution asserts, 8000 prominent Czechs as hostages and their being taken to concentration camps, or their execution, at the outbreak of the war.-

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The arrests, according to the defendant's testimony with which Frank's testimony agrees were made on direct order from Berlin without knowledge and information of not only the defendant, but also of Frank himself. Bienert's contradicting testimony presented by the prosecution is objectively incorrect and is based on completely illogical and false deductions. His deduction that this entire action was under the defendant's direction because his order for Bienert's release had been issued already 4 hours after his arrest is without any logic and is objectively wrong.

On the basis of the evidence it is finally irrefutable that the defendant is not responsible for the order to shoot 9 students and to arrest approximately 1200 students during the night from the 16th to the 17th November 1939, that these measures actually to be called terror actions had been ordered during his absence from Prague without his knowledge by Hitler personally and had been carried out on his direct order by Frank, and that also the proclamation of 17 November 1939 announcing it was neither issued nor signed by him, that on the contrary his name under it had been misused. As it is unnnimously proven by the testimony of the defendant himself, by that of the witness Dr. Vo[illegible]kers who accompanied the defendant on his trip to Berlin on 16 November 1939, the day of the students unrest, and had returned from Berlin to Prague with him together but on the afternoon of the 17th, furthermore by the written testimony of Mr. v. Holleben and finally by the affidavit of the defendant's secretary, Miss Friedrich - Doc. Book V No 159 - and of the baroness Ritter, the defendant was in the night of the 16. to 17 November when the shootings and arrests took place, not even in Prague but in Berlin and the publication of these incidents was already posted to the house walls of Prague when the defendant returned to Prague

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The defendant is not in the least responsible for these atrocities. The order for it as well as the simultaneous order for the closing of the universities had on the contrary been given direct to Frank by Hitler in Berlin, and this as the witness Voelckers expressly confirms, in the absence and without the knowledge of the defendant . What value can, in contrast to that , be ascribed to Dr. Havelka's testimony, presented by the prosecution, is self evident.

The credibility of this witness Havelka, as well as of all the other Czech testimonies submitted by the prosecution, must in general be examined with the very greatest caution. They are subject from the first to two very serious misgivings. Firstly, all these witnesses are members of the former autonomous Czech government, i.e. so-called collaborationists who are in jail to-day for this reason and are awaiting sentence. It is humanly only too readily understandable if to-day they not only see the then conditions in a different light, judge them differently from what they really were and involuntarily mix in their memory the terrible things which happened after Herr v. Neurath had left Prague with the events while he was there. This results in a haziness of their memory. We must also not overlook, the fact that, in a quite natural effort, they hope by incriminating Herr v. Neurath to clear themselves. Added to this is the fact which is almost more important yet,

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that they had no knowledge whatsoever and could have none of the internal factual and legal conditions within the office of the Reichsprotector and that they therefore are not able to judge to what extent the defendant himself was really the man who issued the individual [illegible] and orders or brought them about. One example shows this very clearly: In the witness Kalfus's testimony it is alleged that the defendant was responsible for the customs union between the Protectorate and the German Reich. I hereby wish to refer only to the fact that already in Hitler's decree of 16 March 1939 it had been expressly announced that the Protectorate belongs to the customs district of the Reich. The witness Bienert further asserts that it was Herr v. Neurath who subordinated to the Germans the political administration of Bohemia and Moravia - which means state as well as communal administration.- This is, however, also objectively wrong. As I have already proven, this subordination was ordered by the decree of 1 September 1939 which was not issued by the defendant but by the ministerial council of ministers for the defense of the Reich. These examples should suffice to show how little credible all these testimonies are and how little the witnesses were informed about the actual organisation and competences within the office of the Reichsprotector. The repeated assertion of the witnesses that the arrest and many other measures of force by the Gestapo against the Czech population was done on the order or instruction of the defendant personally is for example either a deliberate falsehood or proof of their ignorance of even the published official decrees which were announced in the Czech official gazette.

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Because the Gestapo, as I have already proven, was not under the command of the defendant. The conclusions from this for the credibility of the witnesses are self evident. It is obvious that in contrast with it the sworn testimony of the defendant and of the witnesses, presented by me, together with the pertaining decrees submitted deserve much more credibility.

The allegation of the Czech indictment and of the testimony on which it is based that Herr von Neurath, in the middle of November 1939, ordered the closing of the universities has thus been disproved as objectively wrong: Infact, the closing of the universities took place on the express order of Hitler's. As the evidence has shown beyond any doubt the defendant has immediately protested to Hitler and succeeded in obtaining his promise to reopen the universities after one year instead of only after three years. The defendant cannot be blamed for the part that Hitler then did not keep his promise. His efforts for the revocation of the closing of the universities prove however how much he was interested in maintaining the educational standard and the intellectual class of the Czech nation.

And just as in this case the defendant worked wherever he could for the Czech nation in its entity and for the individual. This applies specially to the harmful activity of the police and the Gestapo as far as he received information about it. According to his own testimony

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which is confirmed by that of the witness Dr. Voelckers, he had, immediately after the arrest of the students in the middle of November 1939, used all his influence with all energy and continually for their release and as we have heard here not only out of his own mouth, but also from Dr. Voelckers, he succeeded in obtaining the release of almost all the students up to the time he left Prague on 27 Sept. 1941. And he worked in the same way continously for the relase of the ca 8000 prominent Czechs who were arrested at the war. As proved by his own testimony these arrests were not ordered by him, as is asserted contrary to the truth by the Czech witnesses Bienert, Krejci and Havelka, not even by Frank or by another higher SS or police chief in the Protectorate, but by Berlin directly. It is due, by the way, to the defendant that in 1941 the order Hitler issued at Frank's and Himmler's instigation for the removal and arrest of the then Czech Prime Minister General Elias was rescinded by Hitler because of his personal intervention. Only after he had left was Elias arrested by Heydrich and later condemned to death by the peoples court.

Definitely wrong is the allegation of the Czech witness Bienert that the defendant had arranged the transportation of Czech workers into the Reich, that is, deported Czech workers by force into Germany. It is rather true that during the whole term of office of the defendant not a single Czech worker was deported by force to Germany.

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For the rest, until September 27th 1941, no compulsory deportations of labourers had yet taken place in any territory occupied by Germany. That happened but later. But many Czech labourers have voluntarily and gladly gone to the Reich and accepted jobs there, as they earned, owing to the established currency exchange rate and to higher wages, much more than in Prague, and could send to their relatives in the Protectorate very important parts of their earnings.

When, further on, the Czech prosecution wants to charge the defendant with the sending by the Gestapo of arrested persons to concentration camps , and with the illtreatments committed there on those individuals, then it must be established with the utmost precision that until September 27th 1941, the end of the official activity of the defendant in the Protectorate, there was not even a single concentration camp in the Protectorate. They all have been established under his successor only, after his departure. The decree too concerning security and preventive custody, which the Czech prosecution appears to charge him with too, has, as shown by the copy annexed to the Czech report - USSR 60 - been issued but after his departure, viz. on March 9th 1942.

Lastly, concerning the charges of the indictment about the alleged measures taken by the defendant against the Jews, in this point too the representation of the indictment does not fit the facts and is shown to be erroneous on closer examination of the documents submitted by the prosecution itself.

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of all the 21 decrees contained in the British document book Nr. 12 B only 4 have been signed by the defendant himself, 6 have been issued by the Reich Ministry directly and 10 by secretary of state Frank or his direct subordinate Dr. v. Burgsdorff, 1 by the Czech State President Hacha. The first decree signed by Herr v. Neurath himself, of June 21, 1939, which contained nothing but the introduction of the regulations concerning treatment of Jewish property, valid for the entire German Reich, into the Protectorate, which, since March 16th 1939, was a part of the German Reich too, had been prescribed to the defendant from Berlin at the very beginning of his assuming of office. The fact however, that it was published but on June 21th 1939, 3 months later, proves the correctness of his statement, that he wanted to give the Jews time to prepare themselves for the introduction of the Jewish legislation as in force throughout the Reich. Its postponement to that day took place in the very interest of the Jews. The 2nd decree issued by the defendant himself of September 16th 1940 only prescribed an obligation to declare securities, i.e. mortgages, which were Jewish property, and corresponded to the decrees of the same or similar kind issued in the German Reich too and which were applicable to all German nationals The 3rd decree issued and signed by himself, as well as the 4th, of September 14th 1940, aimed at rendering possible and facilitating Jewish emigration, as clearly shown by their contents, an emigration which the development of happenings in the Reich had made inevitable. Both decrees had accordingly been issued in the interest of the Jews themselves, and prove that the defendant had no anti-semiti views.

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All the documents submitted by me which refer to this matter, especially the newspaper report concerning the boycott of the Jews in the spring of 1933 - doc.book I Nr. 9 - and the submitted depositions of witnesses, show that he did not approve of the measures taken against the Jews, particularly of the violent ones, but opposed them. As shown especially by the deposition of the witness Dr. Koepcke, such measures would have been in contradiction with his completely Christian and human attitude and ideology. It is a matter of fact that until his departure from Prague not a single synagogue has been closed and that no religious restrictions against the Jews have been decreed. It does not need any particular proof that the defendant cannot be made responsible for the 6 ordinances issued by the Reich Ministry of the Interior. But neither does he bear any responsibility for the decrees signed by Frank and by Herr v.Burgsdorff, in view of the independent position of Secretary of State Frank and the competence of the police concerning all Jewish matters, which I have described. In opposition to the assertions of the indictment it must be particularly emphasized that, according to his own sworn deposition, no persecution of the Jews has occurred during his entire tenure of office.

His aforementioned human and Christian attitude and ideology makes the assertions of the Czech report of September 1945 - Nr. 998 PS - concerning an alleged hostility of the defendant against the Church appear from the beginning as hardly likely.

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It is true that the Czech indictment of November 14th 1945 - USSR 60 - does not make this report an object of an accu - sation, but, nevertheless, I should like to speak about it in a short way. It is proven by evidence that the relations between Herr v. Neurath and the Archbishop of Prague have been very good, even friendly and that the latter has explicitly thanked the defendant for his support of the churches, and this would certainly not have been the case if he had been opposed to the Church or if he had suppressed the churches, their organizations and clergymen or persecuted them in any way. It is certainly not an extraordinary occurrence that there may have been differences in administrative matters, as has obviously been the case according to the letter of the Archbishop submitted by the prosecution, - State and Church always have had differences with one another at all times and in all countries - but this cannot be construed as implying, on the defendant's side, a policy opposed to the Church. It may be right that clergymen have been arrested, but firstly these arrests have been ordered not by the defendant, but by the police, which was not under his control, and secondly - insofar the defendant has known them at all -, not because of any church actitivy, but because of political intrigues. Neither is it clear from the mentioned Czech report whether the alleged actions against the Church, its organizations and ministers have actually taken place during the defendant's tenure of office.

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The evidence has shown that he did not decree any anti-eclesiastical or antireligious measures, pilgrimages to the Czech religious relics e.g. were especially permitted by him.

Here I would also like to emphasize, that the defendant is not to be charged with any offense against Czech national-feeling. In contrast to the statement of the prosecution he did not destroy or close any Massarik-houses, nor did he destroy or remove any monuments of national personalities, what the prosecution would like to reproach him with. In so far as Massarik-houses were closed, the SS and the police which were not under his jurisdiction, are exclusively responsible for it. His attitude towards the Czech national-feeling is best illustrated, by the fact that he especially permitted the deposition of wreaths at the foot of Massarik-monuments.

Just as little, did the defendant take measures hostile to culture in spite of all efforts made in that direction by radical elements. The Czech theater-life was not touched and remained free, as well as Czech literature which was not suppressed or encroached, with the natural exception of forbidding such things that were of an anti-German or revolting character. Also the press, which by the way was not controled and censured by him, but by the Reich Ministry for Propaganda, was not submitted to other limitations than the German press, as all in all the defendants efforts were directed towards conserving and encouraging Czec national cultural life in its characteristic qualities and independence. I believe it is not necessary for me to go still further into details about that subject and that I can confine myself with refering to the defendants own statements and the statements of the German witnesses heard on this subject.

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From these statements it will , however, also be clearly seen what difficulties and resistance from certain radical circles and authorities, and not least from his own Under Secretary Frank, he was up against in his above mentioned efforts and in all his policy towards the Czech people. If one wishes to draw up a summary of his official activities, we may say that his entire life in Prague was one single fight against the forces inspired and led by Himmler, a fight that was the more difficult because he did not actually possess full powers in the Protectorate, and the offices and authorities which were the most important and influential ones in the field of home politics, the entire police and Gestapo, were not under his authority. Nevertheless he did not abandon this fight, and he did not get tired of protesting to Hitler repeatedly and demanding redress, in many cases successfully, in others not. He fought up to the end, and did not let himself be discouraged by failures and remained faithful to his policy of reconciliation and settlement, of pacification and conservation of the Czech people and of its national characteristics. And when he had to recognize,in Autumn 1941, here again, that any further fight was hopeless, that Himmler's influence on Hitler was greater than his own and that Hitler had now decided to change over to a policy of force and terror and to send to Prague for the purpose Heydrich who was known as a bloodhound, he immediately drew his conclusions as in the winter of 1937/38 as Minister for Foreign Affairs, and resigned ;

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he left Prague and finally retired to private life. What an impression this resignation made on the Czech people and even in circles hostile to Germany, and what people took it to mean, follows with a clearity which can hardly be surpassed from the fact that the Czech report - USSR 60 - which was truly not dictated by pro-German sentiments or love for my client, characterized this departure of my client as a "gehoeriger Schlag " in the German text, " a heavy blow" in the English text, a fact which fundamentally disavows its own accusations against Herr von Neurath. And in fact I belive I have proved that, during and as a result of his administration, the defendant was not guilty personally of a single crime against humanity punishable under the charter of this Court and only such a crime could, after all, came into question here. And here the basic question of this trial also arises, which is whether the defendant rendered himself guilty of supporting or aiding Hitler and his helpers - in a manner punishable under the Charter - in committing their crimes, by accepting the office of Reichprotector and by keeping it, in spite of the war launched by Hitler a few months after his assumption of office and in spite of the events in November 1939 and several other occurrences. The prosecution answers this question in the affirmative. But can an objective, unprejudiced judgement of things really answer this question in the affirmative ?

One thing should be unassailably certain after what we have heard here from the defendant himself and from the witnesses questioned on the subject by me and from the affidavits presented.

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Just as little as external, material reasons moved Herr von Neurath at that time to enter Hitler's government and remain in it, just as little did such reasons enter into his acceptance of the Reich-protectorate. Evidence for this is found already in the fact alone, that he declined the endowment which Hitler had intended for his 70. birthday in 1942, and when this was not possible, he had this endowment placed in his bank as I have proved to you through the letter from his bank - Doc.-book V. No. 160 and 161 - and never touched one penny of it. And how little the pomposity of the position of the Reich-protector attracted or much less suited him can unmistakably be seen from his letter of 14 October 1939 to the witness Dr. Koepcke - Doc.-book V No. 1 - in which he calls it an absolute prison. In both cases, as has been proved not only by the defendant's own statements, but also by the statements of all the witnesses and documents which I have introduced, the motiv and the reason for the acceptance of his position and his endurance in it was not per chance that he approved of the ideologies of the Nazi regime with all its methods and wanted to support them, to the contrary, his high ethical and moral convictions which sprang from his deep sense of responsibility towards his people as man and statesman, these caused him to do it. Since he was not in the position to and had not the power to remove Hitler and the Nazi-government, he considered it as his duty at least in his small sphere within the compass and limits of his power in the field under his leadership to fight the Nazi tendencies which he also despised

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and to prevent their materialization, as far as his strength permitted. Can one, so I ask, really reproach Herrn von Neurath for this, can one condemn him because the task he had assumed with a sense of moral duty and a consciousness os responsibility was beyond his strength and he was frustrated by it?

For once, Your Honours, free yourselves from all juridical and political prejudices, from all the retrospective considerations of things with their in any case very uncertain deductions and think yourselves into the soul of this man, into the world of thought, into the conception of life of this man. Brought up in the house of his parents which was filled not only with Christian, humane and through and through decent ideas but also with the sense of responsibility towards its German people, he had grown up and reached the age of 60 in civil service under the various governments, first under the imperial, then under the changing governments of the republic. Without caring for their political trends, without asking whether they were conservative, democratic or social-democratic, he had served them, he carried out the tasks assigned to him in his sphere of labor. As diplomat, as official of the Reich's Foreign Service the field of internal politics was remote from him, he considered it his only duty to serve his people as such, regardless of its momentary governments and their inner-political attitude. And thus, much against his personal wishes , upon Hindenburg's call in th hour of distress, he took over

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the Foreign Ministry and thereby entered the government of the Reich and remained in it also after Hitler was appointed, not as the representative of a certain political party, but as Hindenburg's special confidant in the field of Foreign Politics. He was the guarantor of the Reich's peace-policy, the rock of bronze in this field. His whole education, his sense of responsibility towards his people would not permit him to do anything else than to remain at his post when he was drawn into the whirl and dynamics of the National-Socialistic movement and had to see how this movement turned in directions and made use of means which he too coul only condemn. But exactly as was the case with other respectable and patriotic Germans whose sense of responsibility and duty to their own people had driven them to the decision to remove Hitler and the Nazi-regime by force, so it was with the defendant whose sense of responsibility and sense of duty not only towards himself,but also towards his people, forced him to set aside his personal abhorrence of the immorality of this regime and, by remaining in office and continuing to conduct it according to his principles, to fight actively against this immorality and thus to keep it away at least from the section controlled by him and to protect his German people from this immorality of the Nazi-regime and its consequences,namely war, as long as he had this possibility. And when then 1½ years later, after his resignation, the call came to him again to accept a position, this time as Reich-protector

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of Bohemia and Moravia and Hitler declared to him that he had selected expressly him for this position, because he considered him the only suitable person to carry out his intended policies of a conciliation and reconcilation of the Czech people with new conditions and the German people, the very same sense of duty and responsibility forced him to follow this call, for, would he not have to deduce from the fact that Hitler - in spite of knowing about his declinir attitude toward the National Socialist regime, his policies and his expedients, desired to entrust him with this task, that he really and honestly meant to effect a reconciliation and appeacement of the Czech people ? Thus he confronted a task, the achievement of which would not only be of the highest benefit to his own, but also to the foreign people. A task, which was not only to serve the conciliation of two nations, but also the ideal of humanity and Christian brotherly love as well as to protect the Czech people from the pernicious methods of the Nazi regime. And now I ask: Is it not at least just as moral and ethical, to pledge one's self and one's person for such a goal, to actively if only to a limited extent work against this regime, recognized as immoral and corrupt by a co-operation, outwardly appearing as such, to prevent the use of the expedients of this system, thereby saving innocent people from misery and death, as to grumbingly retreat because of personal aversion and to watch inactively how this regime rages against humanity without restraint.

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Not everyone is of a violent nature, is a revolutionary, who would use force against the hated system and its executors. And do not forget, your honors, that at that time, under Hitler's autocratic regime only these two possibilities existed, to work really actively and positively against the nazi-regime and its terror, Under this regime no other possibilities existed to fight against a hated and accursed government, as this is the case in democratic free countries with free and independent selected parliaments. In Hitler-Germany any form of active or even public opposition only meant a completely useless sacrifice. And therefore I beg you, your honors, in the judging of the matter and in answering my question, separat yourselves from the democratic conditions and circumstances which are so familiar to you, but which are completely incomparable with the German conditions under Hitler at that time. A fact, the non-consideration of which already caused some disaster up to date. And did not the defendant v. Neurath save the freedom and lives of thousands of people whose freedom and lives would have been irretrievably lost without him, especially by accepting the office of the Reich-protector and which he kept, despite the fact that he had to realize, that he could not accomplish this task without being guilty himself, that he did not have at his service the necessary means for its accomplishment, but that he in spite of it continued his fight against the terror of the nazi-regime. Is

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this not worth a thousand times, is it not more, much more moral and ethical, than if he had retired right away, full of abhorrence and moral indignation ?

I do not hesitate to answer this question in the affirmative, like my first question, and to express my convictio: that no one can condemn me for this. Or shall a Sophoclea tragedy be unfolded before us, here in the fate of the defendant in which a man becomes guilty owing to no fault o his own, because he obeyed his conscience and his sense of responsibility ?

Your honours, I believe I have shown and proved in my preceding statements, that not one of the actions of which the prosecution accuse client, is criminal in the sense of the charter and that not one of these actions by the defendant aimed intentionally at committing a crime in the sense of the Charter of this high tribunal, that, in other words there is no criminal action either objectively or subjectively. But I believe I have shown also, over and above this, that all my clients actions in their totality aimed at just the opposite of what the prosecution imputes to them - namely not the perpetration, but the prevention of just such actions as the Charter defines as punishable crimes, be they crimes of planning, preparation or the waging of aggressive wars, be they war crimes or crimes against humanity.

But there still remains one thing for me to do:

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To draw the conclusion to all that, how impossible, how paradoxical even the principles of the conspiracy are with regard to my client. For the conspiracy has for its indispensable supposition, that each participant not only wants the criminal objective, but also, that he upon entering into the conspiracy, by his participation, sanctions or will sanction from the start, the preparatory actions, or those in any way connected with it of the other members. But when, as the prosecution intentionally is doing, one regards this as evidence of approving the criminal objective and all preparatory actions for its achievement by each one of the other members in their official capacity-in international law proven alone by the fact of simply accepting or remaining in office inspite of knowing the criminal aims- and for this fact alone institutes a criminal co-responsibility of each individual, the consequence inexorably follows with forceful logic, that the application of the principle of co-responsibility due to the acceptance of an office or of simply staying therein, without any consideration as to the extent of his decent and ethical reasons, not only calls for motives and purposes for the punishment of the one, who disapproves these criminal intentions, plans and actions of the others, but even fights it actively and for this reason only accepted his appointment or remained in his position, as it was the case with the defendant v. Neurath.

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I do not need to prove, My Lords, that such a result is contrary to any not only natural, but also legal sense and thought, that it is contrary to that which this high Tribunal has to strive for and is striving for, that it is contrary to any moral and ethical postulate. This Tribunal not only represents Justice, the legal and ethic conscience of all civilized nations on earth, but ought to show the way to universal Peace to the coming generations But only then can this task be fulfilled, when you show mankind once more that any generalization, any levelling, any treatment, including judgment and conviction, of people and of their activities, based on corporative, I should like to say, even gregarious concepts, and not on the personality, the will and the designs of the individual, is of evil. Such treatment denies the holiness of the individual and is bound to lead to the adoration of mere Might. And such adoration of Might, such belief in Might has actually been the deep cause of the terrible events which once more have been unrolled here. You can only then do justice to your double task - to punish there where chastisement should be applied according to divine and humane law, and at the same time to show Mankind the way to international Peace - if by your sentence you take away from Mankind the belief in Might and give back,

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instead of this belief, to all nations on earth and, not in the last, to the German nation, the belief in and the respect of the holiness of the individual, whi the Lord once creat ' in his image. Convinced by the truth of such knowledge, I now place with confidence the fate of my client, the defendant Baron von Neurath, in your hands.